



Governance & Policy Committee

May 2016

May 12, 2016

1:15 p.m. - 2:45 p.m.

East Committee Room, McNamara Alumni Center

GOV - MAY 2016

1. Board of Regents Policy: Awards, Honors, and Recognition - Action

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2. Board Oversight of Intercollegiate Athletics

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3. Specification of Board Appointment Authority - Review

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BOARD OF REGENTS DOCKET ITEM SUMMARY

Governance & Policy

May 12, 2016

AGENDA ITEM: Board of Regents Policy: *Awards, Honors, and Recognition*

Review Review + Action Action Discussion

This is a report required by Board policy.

PRESENTERS: Jason Langworthy, Board Associate, Policy & Committees, Office of the Board of Regents

PURPOSE & KEY POINTS

To adopt amendments to Board of Regents Policy: *Awards, Honors, and Recognition*. The proposed amendments include:

- A complete revision aimed to improve clarity and specificity of the policy. Only those awards, honors, and recognitions (awards) approved directly by the Board remain in the revised policy. All other awards listed in Board policy but approved by other University offices will be transitioned to Administrative policy.
- A new section (Section V.) that delegates to the president the responsibility to ensure that appropriate Administrative policies are maintained to support the creation and granting of other awards for the University.
- Clear language that delineates the honorary degree, Regents Professor, and Regents Award as the highest University honors.
- A new approval structure for the Regents Award that more closely aligns with the approval process for Regents Professors.
- Repurposing the Award of Outstanding Merit and Certificate of Recognition.
- Eliminating the Distinguished International Service Award. The award has not been granted since the 1980's.

Due to the number and breadth of the proposed revisions to the policy, the docket includes the current and revised policies as separate documents.

BACKGROUND INFORMATION

Board of Regents Policy: *Awards, Honors, and Recognition* was adopted on February 19, 1965 and last amended on February 7, 2013.

The Governance & Policy Committee reviewed the proposed amendments on December 10, 2015. No subsequent changes were made to the proposed amendments.



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Academic

**AWARDS, HONORS, AND
RECOGNITION**

Adopted: February 19, 1965

Amended: April 13, 1984; March 10, 1989; July 8, 1994; March 13, 1998; June 12, 1998; September 11, 1998; December 13, 2002; February 13, 2004; November 10, 2005; June 11, 2010; February 7, 2013

Technical Change: March 31, 2016

Draft for Action

AWARDS, HONORS, AND RECOGNITION

SECTION I. SCOPE.

This policy describes the granting of awards, honors, and recognition by the University of Minnesota (University).

SECTION II. GUIDING PRINCIPLES.

Subd. 1. Recognition of Excellence. The University recognizes excellence and achievement by conferring awards and honors on prominent local, state, national, and international persons who have achieved distinction in public service, enterprise, education, science, literature, and the arts.

Subd. 2. Employee Recruitment and Retention. Awards granted to employees contribute to the quality of the University in extremely significant ways, enabling the University to attract and retain a talented workforce and the very best scholars and researchers in particular fields.

Subd. 3. Alignment. The awards, honors, and recognitions described in this policy shall be bestowed in accordance with the provisions of Board of Regents Policy: *Equity, Diversity, Equal Opportunity, and Affirmative Action* and Board of Regents Policy: *Reservation and Delegation of Authority*.

SECTION III. CONFLICT OF INTEREST RELATING TO A REGENT.

When a Regent or former Regent is under consideration for an award (other than *Regent Emeritus*), a special committee, chaired and appointed by the chair of the University Senate All-University Honors Committee (Honors Committee), shall be convened to review and approve the award. The special committee shall include the chair of the Board of Regents (Board), or the vice chair if the recommended award recipient is the chair; the executive vice president and provost; and the president of the University of Minnesota Foundation (Foundation). It shall have final approval.

SECTION IV. RESTRICTIONS ON THE USE OF TITLE.

The use of the titles *University*, *distinguished*, or *Regents Professor* are authorized only by the Board.

SECTION V. DELEGATION OF AUTHORITY.

Subd. 1. Other Awards, Honors, and Recognitions. The president or delegate shall ensure that appropriate administrative policies are maintained to support the creation and granting of other awards, honors, and recognitions for the University. The president shall recommend to the Board any use of the titles *University* or *distinguished*.



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Technical Change: March 31, 2016

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SECTION VI. HONORARY DEGREES.

The awarding of honorary degrees by a university is an extension of its role as the unique institution in society devoted to the discovery, transmission, and preservation of knowledge. The honorary degree is the highest award granted by the University and constitutes recognition of distinctive achievement that has added materially to knowledge and to the betterment of society.

Subd. 1. Approval. The Board approves this award.

Subd. 2. Management. The Honors Committee manages this award process and submits recommendations to the president. The president recommends awards to the Board.

Subd. 3. Provisions.

- (a) **Selection Criteria and Degree Titles.** An honorary degree may be awarded to an individual who has achieved acknowledged eminence in cultural affairs (Doctor of Humane Letters), public service (Doctor of Laws), or a field of knowledge and scholarship (Doctor of Science). The University honors qualified persons within the academic community and other arenas, such as public service or enterprise. Persons receiving honorary degrees need not have received their education at, or have been otherwise associated with, the University. Honorary degrees shall not be awarded solely to encourage or reward contributions to the University.
- (b) **Public Recognition.** The awarding of honorary degrees is an event at which achievement is celebrated and given public recognition. It is customary to award several honorary degrees each year.

SECTION VII. REGENTS PROFESSOR.

The special title of *Regents Professor* is the highest recognition the University gives to a member of its faculty.

Subd. 1. Approval. The Board awards the title *Regents Professor* to selected members of the faculty, upon recommendation of the president.

Subd. 2. Management. The Office of the President manages this award process. The president appoints a Selection Advisory Committee (SAC) to review Regents professor nominations, consult with persons from other universities, and make recommendations to the president. Members of the SAC serve at the president's pleasure, but consideration shall be given for some continuity of membership.

- (a) **Nomination.** Any person or group may nominate a faculty member to receive the title of *Regents Professor*. Nominations are made to the president.
- (b) **Selection Criteria.** Nominations shall be judged according to:
 - the criteria used by the University to evaluate eligibility for the rank of full professor;
 - the scope and quality of scholarly and/or artistic contributions;
 - the quality of teaching; and
 - contributions to the public good.



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Only nominees whose academic distinction is clearly outstanding and whose distinction is clearly recognized by the academic community are recommended to the president.

- (c) **Review and Recommendations.** The SAC shall review nominees and make recommendations to the president. It is the responsibility of the president to recommend awards to the Board.
- (d) **Restriction on Number of Recipients.** The best guarantee of the significance of this award is careful restriction of the total number of recipients. Generally, not more than three persons shall be designated *Regents Professor* in any given year.

Subd. 3. Provisions.

- (a) **Title of Regents Professor.** The title *Regents Professor*, once awarded, shall be held as long as the recipient retains a full-time, tenured appointment as a faculty member of the University. To be considered "full-time," the recipient must hold at least a 66 percent time appointment or be on a sabbatical or other approved leave, including phased retirement. Upon retirement or reduction of the appointment to less than 66 percent time, the faculty member becomes *Regents Professor Emeritus*. The academic field of accomplishment shall continue to be a part of the title, as, for example, "*Regents Professor of _____ (academic department or field).*"
- (b) **Duties and Responsibilities.** Designation as a Regents professor does not necessarily imply any changes in duties and responsibilities.
- (c) **Recognition.** A person named as a Regents professor shall be suitably recognized in a public ceremony and shall receive from the University a medallion suitable for desk use and for use with academic costume.
- (d) **Annual Stipend.** Regents professors shall receive annual stipends from a recognized University foundation during their tenure as faculty members. The stipend shall cease upon retirement or a reduction of appointment to less than 66 percent time, excluding phased retirement.
- (e) **Private Financial Support.** The University welcomes private donor support of stipends for Regents professors. However, no endowment shall be accepted to underwrite creation of a Regents professorship in a given department or college.
- (f) **Salary.** Appointment as a Regents professor shall not imply any particular salary level for the faculty member receiving such an honor. The salaries of Regents professors shall be determined independently and without reference to their receipt of an annual stipend from the Foundation.
- (g) **Budgetary Oversight.** The president maintains oversight of budget items for Regents professors, but budget items shall be transferred to the college in which the recipient holds appointment.

SECTION VIII. REGENTS AWARD.

The Regents Award is the highest honor granted by the Board to individuals who have performed exceptionally valuable and meritorious service to the University or contributed to the building and development of the University through significant benefactions. Candidacy is not limited to graduates or former students of the University.



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November 10, 2005; June 11, 2010; February 7, 2013

Technical Change: March 31, 2016

Draft for Action

Subd. 1. Approval. The Board approves this award.

Subd. 2. Management. The Board Office manages this award process. A Regents Award Nominating Committee shall review nominations and submit recommendations to the Board. The committee shall include the executive director/corporate secretary, the president, the executive vice president and provost, the chair of the Honors Committee, and the chair of the Senate Consultative Committee, or their designees. The president of the Foundation shall serve as an ex officio member.

Subd. 3. Restriction on Number of Recipients. The best guarantee of the significance of this award is careful restriction of the total number of recipients. Generally, not more than three Regents Awards shall be awarded in any given year.

SECTION IX. OUTSTANDING ACHIEVEMENT AWARDS.

Outstanding Achievement Awards may be granted to former students of the University who have attained unusual distinction in their chosen fields, professions, or public service, and who have demonstrated outstanding achievement and leadership on a community, state, national, or international level. Education at the University should represent a significant portion of a candidate's total education.

Subd. 1. Approval. The Board approves this award.

Subd. 2. Management. The Honors Committee manages this award process and submits recommendations to the president. The president recommends awards to the Board.

SECTION X. AWARDS OF DISTINCTION.

The Award of Distinction may be granted to individuals who are not or who have not been a student or employee of the University in recognition of distinction in their field, profession, and/or public or volunteer service.

Subd. 1. Approval. The Board approves this award.

Subd. 2. Management. The Honors Committee manages this award process and submits recommendations to the president. The president recommends awards to the Board.

SECTION XI. ALUMNI SERVICE AWARDS.

The Alumni Service Award may be granted to a graduate or a former student in recognition of volunteer service to the University; its schools, colleges, departments, or faculty; or to the University of Minnesota Twin Cities Alumni Association (Alumni Association) or any of its constituent groups.

Subd. 1. Approval. The Board approves this award.

Subd. 2. Management. The Alumni Association manages this award process. Nominations are submitted to the executive director of the Alumni Association. After review by the Alumni Association's



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Technical Change: March 31, 2016

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Alumni Honors Committee, a recommendation is forwarded to the Honors Committee, which then forwards a recommendation to the president. The president recommends awards to the Board.

SECTION XII. AWARD OF OUTSTANDING MERIT.

The Award of Outstanding Merit is given to an individual or group of individuals that has demonstrated long and meritorious service to the University.

Subd. 1. Approval. The Board approves this award.

Subd. 2. Management. The Board Office manages this award process.

SECTION XIII. CERTIFICATE OF RECOGNITION.

The Certificate of Recognition recognizes significant achievement by members of the University community who have attained unusual distinction.

Subd. 1. Approval. The chair of the Board approves this award.

Subd. 2. Management. The Board Office manages this award process.

SECTION XIV. REGENT EMERITUS AND PRESIDENT EMERITUS TITLES.

Subd. 1. Regent Emeritus. Regents are awarded the title of *Regent Emeritus* upon their retirement from the Board.

Subd. 2. President Emeritus. The title of *President Emeritus* may be bestowed upon a president who has completed service as president of the University. The chair of the Board approves the awarding of the title of *President Emeritus*.

Subd. 3. Management. The Board Office manages the process for both titles.



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Technical Change: March 31, 2016
Supersedes: (see end of policy)

AWARDS, HONORS, AND RECOGNITION

This policy describes University of Minnesota (University) awards granted to faculty (Article 2), awards administered by the All-University Honors Committee (Article 3), Regents Awards (Article 4), and Other University Awards (Article 5).

The awards, honors, and recognitions described in this policy shall be bestowed in accordance with the provisions of Board of Regents Policy: *Equity, Diversity, Equal Opportunity, and Affirmative Action* and Board of Regents Policy: *Reservation and Delegation of Authority*.

ARTICLE 1

INTRODUCTION

SECTION I. GUIDING PRINCIPLES.

The following principles shall guide the granting of awards, honors, and recognition at the University:

Subd. 1. Recognition of Excellence. The University recognizes excellence and achievement by conferring awards and honors on prominent local, state, national, and international persons who have achieved distinction in public service, enterprise, education, science, literature, and the arts.

Subd. 2. Employee Recruitment and Retention. Awards granted to employees contribute to the quality of the University in extremely significant ways, enabling the University to attract and retain a talented workforce and the very best scholars and researchers in particular fields.

SECTION II. CONFLICT OF INTEREST RELATING TO A REGENT.

When a Regent or former Regent is under consideration for an award (other than *Regent Emeritus*), a special committee, chaired and appointed by the chair of the University Senate All-University Honors Committee (Honors Committee), shall be convened to review and approve the award. The special committee shall include the chair of the Board of Regents (Board), or the vice chair if the recommended award recipient is the chair; the vice president for university relations; the executive vice president and provost; and the president of the University of Minnesota Foundation (Foundation). It shall have final approval.

SECTION III. RESTRICTIONS ON THE USE OF TITLE.

The use of the titles *University, distinguished, or Regents Professor* are authorized only by the Board.



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Supersedes: (see end of policy)

ARTICLE 2

FACULTY AWARDS

SECTION I. REGENTS PROFESSOR.

The special title of *Regents Professor* is the highest recognition the University gives to a member of its faculty.

Subd. 1. Approval. The Board awards the title *Regents Professor* to selected members of the faculty, upon recommendation of the president.

Subd. 2. Management. The Office of the President manages this award process. The president appoints a Selection Advisory Committee (SAC) to review Regents professor nominations, consult with persons from other universities, and make recommendations to the president. Members of the SAC serve at the president's pleasure, but consideration shall be given for some continuity of membership.

- (a) **Nomination.** Any person or group may nominate a faculty member to receive the title of *Regents Professor*. Nominations are made to the president.
- (b) **Selection Criteria.** Nominations shall be judged according to:
- the criteria used by the University to evaluate eligibility for the rank of full professor;
 - the scope and quality of scholarly and/or artistic contributions;
 - the quality of teaching; and
 - contributions to the public good.

Only nominees whose academic distinction is clearly outstanding and whose distinction is clearly recognized by the academic community are recommended to the president.

- (c) **Review and Recommendations.** The SAC shall review nominees and make recommendations to the president. It is the responsibility of the president to recommend awards to the Board.
- (d) **Restriction on Number of Recipients.** The best guarantee of the significance of this award is careful restriction of the total number of recipients. Generally, not more than three persons shall be designated *Regents Professor* in any given year.

Subd. 3. Provisions.

- (a) **Title of Regents Professor.** The title *Regents Professor*, once awarded, shall be held as long as the recipient retains a full-time, tenured appointment as a faculty member of the University. To be considered "full-time," the recipient must hold at least a 66 percent time appointment or be on a sabbatical or other approved leave, including phased retirement. Upon retirement or reduction of the appointment to less than 66 percent time, the faculty member becomes *Regents Professor Emeritus*. The academic field of accomplishment shall continue to be a part of the title, as, for example, "*Regents Professor of ____ (academic department or field).*"
- (b) **Duties and Responsibilities.** Designation as a Regents professor does not necessarily imply any changes in duties and responsibilities.



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Supersedes: (see end of policy)

- (c) **Recognition.** A person named as a Regents professor shall be suitably recognized in a public ceremony and shall receive from the University a medallion suitable for desk use and for use with academic costume.
- (d) **Annual Stipend.** Regents professors shall receive annual stipends from a recognized University foundation during their tenure as faculty members. The stipend shall cease upon retirement or a reduction of appointment to less than 66 percent time, excluding phased retirement.
- (e) **Private Financial Support.** The University welcomes private donor support of stipends for Regents professors. However, no endowment shall be accepted to underwrite creation of a Regents professorship in a given department or college.
- (f) **Salary.** Appointment as a Regents professor shall not imply any particular salary level for the faculty member receiving such an honor. The salaries of Regents professors shall be determined independently and without reference to their receipt of an annual stipend from the Foundation.
- (g) **Budgetary Oversight.** The president maintains oversight of budget items for Regents professors, but budget items shall be transferred to the college in which the recipient holds appointment.

SECTION II. MCKNIGHT AWARDS.

The following McKnight Award programs identify, recognize, and support the University's most promising faculty at critical stages in their careers:

Subd. 1. McKnight Presidential Endowed Chairs. The McKnight Presidential Endowed Chair is the highest honors of the McKnight Award programs and recognizes highly distinguished, world-class scholars.

- (a) **Approval.** The president approves this award, upon recommendation of the executive vice president and provost.
- (b) **Management.** The Office of the Executive Vice President and Provost manages this award process.

Subd. 2. McKnight Presidential Professorships. The McKnight Presidential Professorship is one of the highest honors for faculty and recognizes highly distinguished, world-class scholars.

- (a) **Approval.** The president approves this award, upon recommendation of the executive vice president and provost.
- (b) **Management.** The Office of the Executive Vice President and Provost manages this award process.

Subd. 3. Distinguished McKnight University Professorship. The Distinguished McKnight University Professorship recognizes outstanding mid-career faculty members who have recently achieved full professor status for: their scholarly achievements; the potential for greater attainment in their field; the extent to which their achievements have brought distinction to the University; the quality of their teaching and advising; and their contributions to the wider community. Recipients hold the title *Distinguished McKnight University Professor* for as long as they remain at the University.



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Technical Change: March 31, 2016
Supersedes: (see end of policy)

- (a) **Approval.** The executive vice president and provost approves this award, upon recommendation of a selection committee.
- (b) **Management.** The Office of the Executive Vice President and Provost manages this award process.

Subd. 4. McKnight Presidential Fellows. The McKnight Presidential Fellow Award recognizes recently promoted associate professors in recognition of their research, scholarship, and leadership in their fields. Recipients hold the designation of *McKnight Presidential Fellow* for 3 years.

- (a) **Approval.** The president approves this award, upon the recommendations of the executive vice president and provost.
- (b) **Management.** The Office of the Executive Vice President and Provost manages this award process.

Subd. 5. McKnight Land-Grant Professorship. The McKnight Land-Grant Professorship recognizes junior scholars for their potential for: important contributions to their field; the degree to which their past achievements and current ideas demonstrate originality, imagination, and innovation; their potential for attracting outstanding students; and the significance of their research and the clarity with which it is conveyed to the non-specialist. Recipients hold the designation of *McKnight Land-Grant Professor* for 2 years.

- (a) **Approval.** The executive vice president and provost approves this award, upon recommendation of a selection committee.
- (b) **Management.** The Office of the Executive Vice President and Provost manages this award process.

**SECTION III. HORACE T. MORSE UNIVERSITY OF MINNESOTA ALUMNI
ASSOCIATION AWARD.**

The Horace T. Morse University of Minnesota Alumni Association Award is granted to faculty members and instructional academic professionals in recognition of outstanding contributions to undergraduate education.

Subd. 1. Approval. The University Senate Committee on Educational Policy (SCEP) approves this award, upon recommendation of a selection committee.

Subd. 2. Management. The Office of the Executive Vice President and Provost manages this award process.

**SECTION IV. OUTSTANDING CONTRIBUTIONS TO GRADUATE AND
PROFESSIONAL EDUCATION AWARD.**

The Outstanding Contributions to Graduate and Professional Education Award is granted to faculty members and instructional academic professionals in recognition of their outstanding contributions to post-baccalaureate graduate and professional education.



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Supersedes: (see end of policy)

Subd. 1. Approval. SCEP approves this award, upon recommendation of a selection committee.

Subd. 2. Management. The Office of the Executive Vice President and Provost manages this award process.

ARTICLE 3

ALL-UNIVERSITY HONORS AND AWARDS

All-University honors and awards are recommended to the president and the Board by the Honors Committee. The Honors Committee establishes procedures for nominations and solicits, reviews, and recommends nominations for all-University honors and awards for the University system.

Subd. 1. Honorary Degrees. The award of honorary degrees by a university is an extension of its role as the unique institution in society devoted to the discovery, transmission, and preservation of knowledge. The honorary degree is the highest award granted by the University and constitutes recognition of distinctive achievement that has added materially to knowledge and to the betterment of society.

(a) **Approval.** The Board approves this award.

(b) **Management.** The Honors Committee manages this award process and submits recommendations to the president. The president recommends awards to the Board.

(c) **Provisions.**

(1) **Selection Criteria and Degree Titles.** An honorary degree may be awarded to an individual who has achieved acknowledged eminence in cultural affairs (Doctor of Humane Letters), public service (Doctor of Laws), or a field of knowledge and scholarship (Doctor of Science). The University honors qualified persons within the academic community and other arenas, such as public service or enterprise. Persons receiving honorary degrees need not have received their education at, or have been otherwise associated with, the University. Honorary degrees shall not be awarded solely to encourage or reward contributions to the University.

(2) **Public Recognition.** The awarding of honorary degrees is an event at which achievement is celebrated and given public recognition. It is customary to award several honorary degrees each year.

Subd. 2. Outstanding Achievement Awards. Outstanding Achievement Awards may be granted to former students of the University who have attained unusual distinction in their chosen fields, professions, or public service, and who have demonstrated outstanding achievement and leadership on a community, state, national, or international level. Education at the University should represent a significant portion of a candidate's total education.

(a) **Approval.** The Board approves this award.

(b) **Management.** The Honors Committee manages this award process and submits recommendations to the president. The president recommends awards to the Board.



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Technical Change: March 31, 2016
Supersedes: (see end of policy)

Subd. 3. Awards of Distinction. The Award of Distinction may be granted to individuals who are not or who have not been a student or employee of the University in recognition of distinction in their field, profession, and/or public or volunteer service.

- (a) **Approval.** The Board approves this award.
- (b) **Management.** The Honors Committee manages this award process and submits recommendations to the president. The president recommends awards to the Board.

Subd. 4. Alumni Service Awards. The Alumni Service Award may be granted to former students in recognition of volunteer service to the University; its schools, colleges, departments, or faculty; or to the University of Minnesota Twin Cities Alumni Association (Alumni Association) or any of its constituent groups.

- (a) **Approval.** The Board approves this award.
- (b) **Management.** The Alumni Association manages this award process. Nominations are submitted to the executive director of the Alumni Association. After review by the Alumni Association's Alumni Honors Committee, a recommendation is forwarded to the Honors Committee, which then forwards a recommendation to the president. The president recommends awards to the Board.

ARTICLE 4

REGENTS AWARDS

Subd. 1. Regents Award. The Regents Award may be granted to individuals who have performed exceptionally valuable and meritorious service to the University or contributed to the building and development of the University through significant benefactions. Candidacy is not limited to graduates or former students of the University.

- (a) **Approval.** The Regents Award Nominating Committee approves this award.
- (b) **Management.** The Board Office manages this award process. A Regents Award Nominating Committee reviews nominations and selects recipients of the Regents Award. The committee shall include three members of the Board appointed by the chair of the Board, the president, the executive vice president and provost, and the chair of the Senate Consultative Committee. The president of the Foundation shall serve as an ex officio member.

Subd. 2. Certificate of Outstanding Merit. The Certificate of Outstanding Merit is given to an individual or group of individuals in the University in recognition of outstanding community service.

- (a) **Approval.** The chair of the Board approves this award.
- (b) **Management.** The Board Office manages this award process.

Subd. 3. Certificate of Recognition. The Certificate of Recognition recognizes significant achievement by members of the University community who have attained unusual distinction in a field of knowledge and scholarship.



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13, 2002; February 13, 2004; November 10, 2005;
June 11, 2010; February 7, 2013
Technical Change: March 31, 2016
Supersedes: (see end of policy)

- (a) **Approval.** The chair of the Board approves this award.
- (b) **Management.** The Board Office manages this award process.

Subd. 4. Distinguished International Service Award. The Distinguished International Service Award recognizes distinguished foreign dignitaries visiting the University.

- (a) **Approval.** The chair of the Board approves this award.
- (b) **Management.** The Board Office manages this award process.

Subd. 5. Regent Emeritus Title. Regents are awarded the title of *Regent Emeritus* upon their retirement from the Board.

Subd. 6. President Emeritus Title. The title of *President Emeritus* may be bestowed upon a president who has completed service as president of the University.

- (a) **Approval.** The chair of the Board approves the awarding of the title of *President Emeritus*.
- (b) **Management.** The Board Office manages this award process.

ARTICLE 5

OTHER UNIVERSITY AWARDS

Subd. 1. Josie R. Johnson Human Rights and Social Justice Award.

The Josie R. Johnson Human Rights and Social Justice Award recognizes individuals who, through their principles and practices, exemplify a high standard of excellence in creating respectful and inclusive learning and working environments. Recipients must have made outstanding contributions to the promotion of human rights and social justice within the University community. At least one faculty or staff member and one student shall receive this award each year.

- (a) **Approval.** The Josie R. Johnson Human Rights and Social Justice Award Selection Committee approves this award.
- (b) **Management.** The Office of the Vice President for Equity and Diversity manages this award process.

Subd. 2. Outstanding Community Service Award. The Outstanding Community Service Award recognizes the outstanding contributions and accomplishments of faculty, staff, or community members who have made substantial, enduring contributions to the community and improved public life and the well being of society. Such contributions and accomplishments must result in long-term and lasting changes for the public good and demonstrate an unusual commitment to the University and the larger Minnesota community.

- (a) **Approval.** The executive vice president and provost approves this award, upon recommendation of a selection committee.
- (b) **Management.** The Office of the Executive Vice President and Provost manages this award process.



UNIVERSITY OF MINNESOTA
BOARD OF REGENTS POLICY

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Academic

**AWARDS, HONORS, AND
RECOGNITION**

Adopted: February 19, 1965 & March 10, 1989
Amended: April 13, 1984; July 8, 1994; March 13, 1998; June 12, 1998; September 11, 1998; December 13, 2002; February 13, 2004; November 10, 2005; June 11, 2010; February 7, 2013
Technical Change: March 31, 2016
Supersedes: (see end of policy)

Subd. 3. President's Award for Outstanding Service. The President's Award for Outstanding Service recognizes exceptional service to the University and its schools, colleges, departments, and service units by any active or retired member of the faculty or staff. Such service must go well beyond the regular duties of a faculty or staff member and must demonstrate unusual commitment to the University community.

- (a) **Approval.** The president approves this award, upon recommendation of the President's Award for Outstanding Service Committee.
- (b) **Management.** The Office of the President manages this award process.

Subd. 4. President's Community-Engaged Scholar Award. The President's Community-Engaged Scholar Award recognizes scholarly work conducted in partnership with a community partner.

- (a) **Approval.** The executive vice president and provost approves this award, upon recommendation of a committee.
- (b) **Management.** The Office of the Executive Vice President and Provost manages this process.

Subd. 5. John Tate Awards for Excellence in Undergraduate Advising. The John Tate Awards for Excellence in Undergraduate Advising recognize and reward outstanding academic advising and call attention to the contributions that academic advising makes in helping students formulate and achieve intellectual, career, and personal goals.

- (a) **Approval.** The vice provost for undergraduate education approves this award, upon recommendation of a committee appointed by the vice provost for undergraduate education.
- (b) **Management.** The Office of the Executive Vice President and Provost manages this award process.

Subd. 6. Certificate of Appreciation. The Certificate of Appreciation may be awarded to any person for contributions or services at the collegiate or all-University level.

- (a) **Approval.** The relevant unit approves this award.
- (b) **Management.** The relevant unit manages this award process.

Subd. 7. Teaching Awards. Some individual collegiate units recognize teaching excellence.

- (a) **Approval.** The relevant collegiate unit approves this award.
- (b) **Management.** The relevant collegiate unit manages this award process.

Comprehensive Review - *Awards, Honors, and Recognitions*

AWARDS REMAINING IN BOARD POLICY

- Honorary Degrees
- Regents Professor
- Regents Award
- Outstanding Achievement Awards
- Awards of Distinction
- Alumni Service Awards
- Award of Outstanding Merit - *Repurpose*
- Certificate of Recognition - *Repurpose*
- Regent Emeritus Title
- President Emeritus Title

AWARDS TRANSITIONING TO ADMINISTRATIVE POLICY

Awards approved by the President:

- McKnight Presidential Endowed Chairs
- McKnight Presidential Professorships
- McKnight Presidential Fellows
- McKnight Land-Grant Professorship
- President's Award for Outstanding Service

Awards approved by other University offices:

- Distinguished McKnight University Professorship (Executive Vice President & Provost)
- Horace T. Morse Alumni Award (Senate Committee on Educational Policy)
- Outstanding Contributions to Graduate and Professional Education Award (Senate Committee on Educational Policy)
- Josie R. Johnson Human Rights and Social Justice Award (Equity and Diversity)
- Outstanding Community Service Award (Executive Vice President & Provost)
- President's Community-Engaged Scholar Award (Executive Vice President & Provost)
- John Tate Awards (vice provost for undergraduate education)
- Certificate of Appreciation (any unit)
- Teaching Awards (relevant collegiate unit)

AWARDS ELIMINATED

- Distinguished International Service Award



BOARD OF REGENTS DOCKET ITEM SUMMARY

Governance & Policy

May 12, 2016

AGENDA ITEM: Board Oversight of Intercollegiate Athletics

Review Review + Action Action Discussion

This is a report required by Board policy.

PRESENTERS: Brian R. Steeves, Executive Director & Corporate Secretary

PURPOSE & KEY POINTS

This item provides background on Board of Regents oversight of intercollegiate athletics, with a specific emphasis on activities undertaken since February 2014. This will serve as context for the committee to consider whether changes or enhancements should be developed for formal review and recommendation to the full Board. Discussion questions may include:

- Does current Board of Regents policy adequately reflect the Board’s values and expectations for intercollegiate athletics and provide for sufficient oversight?
- Is the frequency and scope of Board and committee discussion items related to intercollegiate athletics adequate for the Board to exercise its governance responsibilities?
- Do the Board’s fundamental planning documents (annual accountability reports, six-year capital plans, operating and capital improvement budgets) provide sufficient information about intercollegiate athletics?
- Is the current level of athletics-focused audit coverage adequate?

BACKGROUND INFORMATION

In 1992, the Board adopted Board of Regents Policy: *Intercollegiate Athletics – Twin Cities Campus* to establish guiding principles to govern Gopher athletics. This policy was adopted following major NCAA rules violations in 1988 and 1991.

Additional major infractions in 2000 and 2002 led to changes in reporting lines and a revamped shared governance structure with the faculty. Specifically, academic counseling and student services for student-athletes was placed within the Office of the Senior Vice President for Academic Affairs & Provost; athletics compliance was placed within the Office of the General Counsel; and the Athletics Director became a direct report to the President. Within the University Senate, two faculty-led committees were established to provide oversight and advice related to intercollegiate athletics.

It is within this framework that the Board of Regents currently exercises its governance responsibilities and provides oversight of intercollegiate athletics. This is accomplished through:

- A. Guiding principles, reporting requirements, and delegation of authority established by Board of Regents Policy: *Intercollegiate Athletics – Twin Cities Campus*;
- B. Discussion items in Board and committee meetings;
- C. Board approval of six year capital plans, annual operating and capital improvement budgets, and other required approvals (e.g., contracts greater than \$1 million); and
- D. Ongoing audit coverage by the Office of Internal Audit and external auditor.

Following release of an Association of Governing Boards of Universities and Colleges (AGB) report entitled *Trust, Accountability, and Integrity: Board Responsibilities for Intercollegiate Athletics*, then-Board of Regents Chair Linda Cohen initiated a review of athletics oversight practices at the University. This review, which was collaboratively undertaken by the Office of the President and the Office of the Board of Regents (OBR), resulted in a February 2014 white paper that included four recommendations for enhancing Board oversight:

1. Schedule a biennial educational review of the revenue and expenses of Gopher athletics by the chief financial officer of Gopher athletics to the Finance Committee.
2. Schedule an annual educational review of Gopher student-athlete academic progress, concerns, trends, etc. by the vice provost for Undergraduate Education and the director of the McNamara Academic Center to the Academic and Student Affairs Committee.
3. Include, as a part of the athletics director annual report to the BOR, updates and information on the newly developed Big Ten Standards for Safeguarding Institutional Governance, and other governance changes that may have taken place or are being considered by the Big Ten conference or NCAA.
4. Schedule a full BOR educational session on an aspect of Gopher athletics, rotating topics, as follows:
 - Year one: a presentation by the Faculty Athletics Representatives (FARs) outlining their role and the role of the two faculty committees dedicated to Gopher athletics oversight, including current trends and issues in which they have provided guidance.
 - Year two: an educational work session on compliance rules and issues by the Office of Athletics Compliance and Office of the General Counsel.
 - Year three: identify a timely topic that reflects current initiatives in Gopher athletics. For example, Title IX review; review of current oversight structures and policies; facilities planning; fundraising; changes to NCAA or Big Ten rules or structures, etc.

Over the past two years, OBR has used these recommendations to guide development of the Board's annual planning calendars and committee work plans. This has resulted in additional presentations and discussions about intercollegiate athletics at both Board and committee meetings. Below is a list of athletics-focused Board and committee discussion items since February 2014.

Recent Athletics-Focused Board and Committee Discussion Items

Board of Regents	
Report on Alcohol Sales at TCF Bank Stadium	February 2014
Resolution Related to Student Season Ticket Sales for Football	June 2014
Annual Intercollegiate Athletics Report	July 2014
Update & Discussion on the Evolving National Landscape of Intercollegiate Athletics	July 2014
Update on NCAA Reforms	February 2015
Shared Governance: The Role of Faculty Athletics Representatives in Oversight	May 2015
Annual Intercollegiate Athletics Report	July 2015
Title IX Primer – Twin Cities Intercollegiate Athletics	July 2015
External Review of Matters Related to the Department of Intercollegiate Athletics	December 2015
Audit of Financial Management Practices within Intercollegiate Athletics	December 2015
Academic & Student Affairs	
Academic Support and Performance of UMTC Student-Athletes	February 2015
Audit & Compliance	
External Auditor’s Review of Completed Audit Work and Letter to Management (including NCAA Agreed Upon Procedures)	February 2015
External Auditor’s Review of Completed Audit Work and NCAA Agreed Upon Procedures	February 2016
Update on Implementation of Intercollegiate Athletics Recommendations	February 2016
Facilities, Planning & Operations	
Schematic Plans: TCF Bank Stadium Improvements	February 2014
Capital Budget Amendment & Schematic Plans: Williams Arena Roof Replacement	May 2014
Capital Budget Amendment: Design of Intercollegiate Athletics Athletes Village	February 2015
Update on Twin Cities Athletics Facilities	September 2015
Capital Budget Amendment & Schematic Design: Athletes Village	October 2015
Capital Budget Amendment: Siebert Field	October 2015
Finance	
Twin Cities Athletics Finances	February 2016

Note: Items listed in [blue](#) were added as a result of the 2014 white paper recommendations.

In addition to these discussion items, the Board adopted a University Progress Card in October 2015 that included student-athlete graduation success rate as a Maroon Measure. The University Progress Card is a component of the annual *University Plan, Performance & Accountability Report*.

The budget for intercollegiate athletics is approved as part of the annual operating budget approved by the Board each June. Likewise, athletics facilities are brought forward for Board approval as components of the six-year capital plan and annual capital improvement budget.

In December 2014, the Audit & Compliance Committee discussed an institutional risk profile that included consideration of athletics-related risks. The Office of Internal Audit also provides ongoing athletics-focused audit coverage. Below is a list of relevant audits issued since February 2014.

Recent Athletics-Focused Audits

<i>Audit Reports Issued</i>	
Baseline Tennis Center - #1508	December 2014
Athletics Aspire Contract - #1514	January 2015
UMD Athletics - #1605	October 2015
Athletics Administration - # 1606	December 2015
<i>Athletics Covered as Part of Other Audits</i>	
Executive Officer Expenses - #1512	January 2015
Incentive Compensation - #1523	June 2015
<i>Special Project Work related to Athletics</i>	
Review of the financial activity involved with the post season game at TCU	October, 2014
Review of Big Jig fundraiser for UMD Athletics	March 2016
Auditing of Football attendance numbers - required as part of the NCAA Football Actual Attendance reporting	February 2014, 2015, 2016
<i>Audits in Process</i>	
UMTC Men's and Women's Basketball	Expected in May, 2016
UMTC Sports Finances and Operations	Expected in June, 2016



Athletics Oversight at the University of Minnesota

A Review Based on AGB's *Trust, Accountability and Integrity: Board Responsibilities for Intercollegiate Athletics*

February 2014

**Office of the Board of Regents
Office of the President**

AGB Athletics Oversight Report

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BACKGROUND

During the October 2012 Board of Regents (BOR) meeting, Eric Kaler, president of the University of Minnesota, and Regent Clyde Allen, noted a report from the Association of Governing Boards of Colleges and Universities (AGB) entitled *Trust, Accountability, and Integrity: Board Responsibilities for Intercollegiate Athletics* (Appendix A). The report reflected survey data collected from NCAA Division I member institutions; President Kaler and BOR Chair Linda Cohen submitted data on behalf of the University.

In December 2012, Chair Cohen notified the BOR and senior administrative leaders that the Board of Regents Office would review the University's survey results and work with the administration to identify any gaps in the BOR's oversight policies, practices or protocols.

The AGB report made three broad recommendations for ensuring appropriate board engagement in athletics:

1. The board is ultimately accountable for athletics policy and oversight and should fulfill this fiduciary responsibility.
2. The board should act decisively to uphold the integrity of the athletics program and its alignment with the academic mission of the institution.
3. The board must educate itself about its policy role and oversight of intercollegiate athletics¹.

To fully assess the University's policies and practices against these three recommendations, it is important to understand both the University's history and its existing policy and administrative structure with respect to the governance and oversight of Division I Intercollegiate Athletics on the Twin Cities campus. While men's and women's hockey at the University of Minnesota Duluth compete at the Division I level, the survey data AGB collected was limited to the Twin Cities campus as it is the only one which competes in Division I for all sports.

HISTORY OF COMPLIANCE AND OVERSIGHT OF INTERCOLLEGIATE ATHLETICS

Prior to 2003, Gopher athletics on the Twin Cities campus was charged with numerous major violations of NCAA rules. The University has appeared before the NCAA Committee on Infractions as a result of major rules violations in the program on four separate occasions during the last 25 years: 1988, 1991, 2000, and 2002. Each of these appearances was preceded by major investigations of rules compliance and dramatic changes in department personnel.

¹ Association of Governing Board of Colleges and Universities (2012). *Trust, Accountability, and Integrity: Board Responsibilities for Intercollegiate Athletics* (p. 3).

Most significantly, in 2000, was the major academic fraud scandal in the men's basketball program, which resulted in findings of major NCAA violations, the termination of many University employees, and significant penalties from the NCAA Committee on Infractions.

As described below, it is, in fact, the University's history of NCAA violations, particularly the academic fraud experience in men's basketball, that drove changes in the early 2000s and created the current administrative and oversight structure and policy framework for athletic compliance, academic counseling, the reporting line, and day-to-day management of the athletic director, and faculty oversight.

A second major change in the structure of Gopher athletics at the University of Minnesota in the early 2000s was the movement from separate men's and women's departments to a single integrated department of Gopher athletics. This move occurred in 2002 after an extensive study and consultation by the Office of the President and with the approval of the BOR. Joel Maturi was hired to be the first director of the combined department in 2002 and served until 2012. Norwood Teague succeeded him and has served in that capacity since 2012.

CURRENT GOVERNANCE AND OVERSIGHT STRUCTURE

The University's current governance and oversight structure for Gopher athletics on the Twin Cities campus is broad and comprehensive, providing independent oversight of critical aspects of Gopher athletics from many places within the University.

This structure was intentionally established following the series of NCAA violations noted above and was explicitly designed to help prevent such misconduct in the future by strengthening checks and balances, by creating new reporting lines outside of the Gopher athletics for certain functions, and by strengthening both presidential and faculty oversight.

Specifically, Academic Counseling & Student Services – Intercollegiate Athletics was moved to report directly and exclusively to the Senior Vice President for Academic Affairs; Office of Athletic Compliance was moved to report directly and exclusively to the general counsel; and, most importantly, the athletic director's reporting line was moved to become a direct report to the president of the University with day-to-day oversight from the chief of staff. Also as a result of the misconduct in 2000, the faculty revamped its shared governance structure and created two faculty committees on athletics: one for supervision of athletic operations and the other to govern the academic integrity of student athletes. All of these structures remain in place today.

This governance and oversight structure is described in more detail in the following paragraphs.

Board of Regents Policy

The BOR provides oversight to Gopher athletics on the Twin Cities campus in numerous ways.

The BOR has a longstanding policy entitled Board of Regents Policy: *Intercollegiate Athletics - Twin Cities Campus* (Appendix B). This policy establishes 13 guiding principles for the conduct of Gopher athletics on the Twin Cities campus, then specifies implementation of those principles and provides that “the president shall be responsible for the oversight of Intercollegiate Athletics.” The policy was originally adopted in 1992 and amended on three different occasions, most recently in July 2009.

The policy delegates all of the day-to-day operational aspects of Gopher athletics to the president for the purpose of establishing appropriate institutional control and involving faculty athletics representatives and faculty governance (see below) on matters involving student welfare, academic performance, and integrity in athletic policy and compliance.

In addition to vesting responsibility for Gopher athletics on the Twin Cities campus with the president, the policy specifically requires that academic counseling for student-athletes and NCAA athletic compliance be independent of, and have a reporting relationship that is independent from, Gopher athletics. These independent reporting relationships were established to ensure that student-athletes are treated appropriately and that oversight elements of compliance are not unduly influenced by Gopher athletics, including the athletics director and coaches. On the Twin Cities campus Academic Counseling & Student Services – Intercollegiate Athletics reports to the senior vice president for Academic Affairs and the Office of Athletic Compliance reports to the general counsel (Appendix C).

In addition, per the policy, the BOR receives an annual report from the director of athletics. This report details activity and accomplishments in four distinct areas: student-athlete academic progress, athletic accomplishments, department budget, and facilities. Very few other University departments have the opportunity to report to the BOR on an annual basis.

As with all units of the University, Gopher athletics’ budget and spending are included in the overall University budget and external audit, both of which the BOR reviews and approves.

And finally, over the past several years, the BOR has included on its agenda items specific to Gopher athletics, including an educational session with the director of Office of Athletic Compliance and the general counsel in 2009 and presentation of NCAA certification self-study results in 2008.

This oversight is described in more detail later in this report and evaluated specifically against the AGB recommendations.

Faculty Oversight

Pursuant to the BOR policy on Gopher athletics, the University Senate has established two committees responsible for providing faculty oversight of Gopher athletics on the Twin Cities campus.

First, the faculty has established the Advisory Committee on Athletics (ACA). This Committee provides consultation and oversight to the president and Gopher athletics on policies and other major decisions. The ACA consists of 16 members, including eight faculty, four Twin Cities' campus students, two graduates of the University and a civil service employee. The ACA has extensive oversight responsibilities as set forth in the charge from the University Senate (Appendix D). These include equity, student athlete welfare, finances, facilities, personnel matters, booster clubs and NCAA legislation. The ACA has adopted 10 specific policies on student athlete welfare (Appendix E).

Second, the faculty has established the Faculty Academic Oversight Committee for Intercollegiate Athletics (FAOCIA). The FAOCIA is responsible for student-athlete eligibility, compliance and other academic integrity issues. The FAOCIA consists of six members of the tenured faculty plus the two faculty athletics representatives (see below) and the chair of the ACA. The University Senate has charged The FAOCIA with 10 specific responsibilities, which include regular reviews of the academic progress of student-athletes, establishing academic standards for participation, and oversight of academic integrity in the department (Appendix F). The faculty chairs of the FAOCIA and the ACA routinely report to the Faculty Consultative Committee, which serves as the Executive Committee of the Faculty Senate (Appendix G).

Faculty Athletics Representatives

As a member of the Big Ten Conference, Gopher athletics is also represented and overseen by two Faculty Athletics Representatives (FARs). The FARs are members of the tenured faculty who serve as the University's delegates to the NCAA and representatives to the Big Ten (Appendix H). These are essentially half-time positions, funded by the Office of the President. FARs are responsible for oversight of all aspects of Gopher athletics on campus, with an emphasis on student athlete welfare, and attend a wide variety of sporting events, spend time within the department with athletes and coaches, and meet regularly with the president, the chief of staff and the athletic director and his staff.

Academic Counseling & Student Services – Intercollegiate Athletics

The University has established the McNamara Academic Center (MAC) to provide academic counseling to student-athletes to ensure academic progress towards a degree and foster their development as students. The MAC reports to the senior vice president for Academic Affairs and works cooperatively with, but independent of, Gopher athletics.

Office of Athletic Compliance

The University has established an Office of Athletic Compliance, which is managed by a director and staffed by four compliance professionals. The office provides education for coaches and other Gopher athletics staff and others on campus with respect to NCAA and Big Ten rules requirements and their application, monitoring and auditing of rules compliance, investigation and enforcement of rules compliance and consultation with respect to rule makers. The office is instrumental in creating and nurturing a culture of compliance within the department and broader campus community. The office reports to the general counsel and works cooperatively with, but independent of, Gopher athletics.

Office of the President

As noted earlier, the athletic director reports directly to the president and has since 2000, following the men's basketball academic misconduct violation. The president, in both the current and prior administrations, has delegated day-to-day oversight of Gopher athletics to the chief of staff. Both the president and chief of staff meet regularly with the athletic director and are routinely informed about all aspects of department operations, including hiring and termination of coaches and other senior level staff, academic progress, facilities, revenues and budget, public relations and marketing, and integration into the broader campus community. The president and chief of staff meet regularly with the FARs and interact with them informally at athletic events and departmental functions. The chief of staff meets annually with the chairs of the ACA and the FAOCIA.

Big Ten Conference

As noted above, Gopher athletics is governed by numerous Big Ten rules and requirements. The most recent addition to these requirements is *Standards for Safeguarding Institutional Governance of Intercollegiate Athletics* (Appendix I), a document that speaks to institutional control of the member institutions' intercollegiate athletic programs. The document sets forth basic principles and conference standards for safeguarding institutional control of intercollegiate athletics and enhancing the integrity of intercollegiate athletic governance at member universities. Under the proposed standards the Big Ten would periodically assess effectiveness of each institutions' institutional control and enforcement mechanisms. On December 8, 2013, the presidents and chancellors of the member universities voted to adopt the standards, pending development and approval of a plan for implementation. The Big Ten will draft the implementation plan with cooperation and assistance from each institution. The goal is to provide a draft for discussion during Big Ten meetings in May 2014, and deliver a final draft to the presidents and chancellors for review and action in June 2014.

OBSERVATIONS

The structure of oversight of Gopher athletics on the Twin Cities campus described above has been in place for more than a decade and has proved to be effective for the University.

Culture of Compliance

The reporting structure, with various independent checks and balances, has created a strong culture of compliance within Gopher athletics and the broader campus community. Coaches and others in the department routinely report violations of NCAA rules to the Office of Athletic Compliance, and the Office of Athletic Compliance has access to the information it needs to identify and report violations independently. Once a violation is identified, compliance staff report it to the NCAA and impose appropriate penalties or required educational training. The office investigates and reports on an average of 30 violations annually, which is among the highest of our peers in the Big Ten. This vigilance sends an important signal within the organization that the University of Minnesota is committed to compliance and transparency. For the past decade, the University has reported only secondary violations (now Schedule III and IV violations under the NCAA enforcement format effective August 1, 2013). There have been no major violations for this period due in part to the conscientiousness of the Office of Athletics Compliance and, more importantly, because of the culture of compliance in the department created through the leadership of the athletic directors and the president.

With respect to academic performance, the oversight by FAOCIA, the FARs and the performance of the Academic Counseling & Student Services – Intercollegiate Athletics has been very successful. In the past six years, graduation rates have increased from 60% to 69% and grade point averages in all sports have risen from 3.11 to 3.20. Moreover, the Academic Progress Report (APR) scores, an NCAA measure of overall academic progress, exceed 950 for each team, with five teams achieving the perfect mark of 1,000.

With respect to operational matters, oversight provided by the ACA and the Office of the President have been similarly successful.

Stability

Gopher athletics has effectively transitioned from the long-term leadership of Athletics Director Joel Maturi, who successfully merged the two departments and created financial stability to the leadership of Athletics Director Norwood Teague, who has now been in place for nearly two years. The department as a whole has been competitively successful as measured by its rankings in the Director's Cup for all 288 Division I athletic programs ranging from 14th to 22nd over the past five years. In fact, the department has successfully replaced coaches in numerous revenue and non-revenue sports including Football, Men's Basketball, Volleyball, Soccer, Softball, Women's Cross

Country, and Women's Tennis. In some cases these transitions included payments pursuant to coaches contracts, but they reflect the market conditions for such positions based on negotiated contracts typically involving agents for the higher revenue and profile sports. All coaches' contracts are drafted by the Office of the General Counsel to reflect the market and protect the University's interests.

When viewed from a policy standpoint, the BOR has created an effective structure to oversee Gopher athletics utilizing significant faculty oversight through the faculty committees and FARs, the senior vice president for Academic Affairs, and the Office of the General Counsel for compliance matters. Ultimately, the BOR has placed responsibility for institutional control and oversight in the president, as required by the NCAA.

AGB RECOMMENDATIONS & ANALYSIS

As set forth at the beginning of this report, the goal is to evaluate the University of Minnesota's current oversight and operations of Gopher athletics with respect to the recommendations of AGB. A summary of those recommendations and our analysis follow.

AGB Recommendation 1:

The board is ultimately accountable for athletics policy and oversight.

The University of Minnesota Board of Regents has an established policy for Gopher athletics on the Twin Cities campus (Appendix B). It sets forth comprehensive guiding principles for the conduct of Gopher athletics and creates an implementation and multi-channel reporting framework to assure the BOR that those principles are being upheld. The policy specifically provides for implementation of a compliance office and academic counseling office independent from Gopher athletics. Most importantly, it requires the president to be responsible for the oversight of Gopher athletics to effectuate institutional control along with the FARs and the faculty governance system. The policy also requires an annual report to the BOR related to student-athlete academic progress, athletic accomplishments, department budget, and facilities.

The most obvious shortcoming of the policy is that it only applies to the Twin Cities campus. However, the AGB report focuses on and is based on underlying survey data collected only from Division I institutions. Division I is clearly the most high profile and high-risk level of competition, thus requiring the greatest level of governance oversight. Existing BOR policy codifies this oversight.

Given the differing rules and expectations that govern Division II and III institutions (University of Minnesota Duluth competes in Division I Men's and Women's Hockey and Division II for all other sports; University of Minnesota Crookston competes in Division II for all sports; and University of Minnesota Morris competes in Division III for all sports), and the University's history of effectively managing those programs at their respective

campuses, we do not recommend additional BOR policy related to intercollegiate athletics on the system campuses.

AGB Recommendation 2:

The board should act decisively to uphold the integrity of the athletics program and its alignment with the academic mission of the institution.

Current BOR policy directly addresses integrity in Gopher athletics in Section II(a) which states, “Intercollegiate Athletics shall have a mission that aligns with the mission of the University, emphasizing the pursuit of academic and athletic excellence while honoring the highest commitment to integrity.”

Gopher athletics has in place a mission statement that conforms to this policy and emphasizes the importance of integrity and consistency with University values.

Indeed, BOR policy addresses in detail the expectations for student-athletes, the adherence to the requirements of NCAA rules and Title IX, and the participation of alumni and boosters in the athletic program. Moreover, as noted earlier it creates a structure that promotes and emphasizes integrity in academic counseling and compliance, and provides significant faculty oversight.

We do not recommend amending current BOR policy.

AGB Recommendation 3:

The board must educate itself about its policy role and oversight of Gopher athletics.

Per BOR policy, Gopher athletics annually provides a comprehensive report on the athletics program that addresses:

- I. Student-athlete academic progress
- II. Athletic accomplishments
- III. Department budget
- IV. Facilities

In addition, Gopher athletics is subject to the same rules and policies as all other University departments. Accordingly, it seeks BOR approval for contracts and facilities, per BOR policy, just like other University departments. For example, the projects outlined in the comprehensive facility plan presented by the athletic director in July 2013 will come before the BOR to the same extent as other University capital projects do under existing BOR policy.

Most importantly, as with all units of the University, the budget for Gopher athletics comes to the BOR for approval as part of the whole University budget. The Gopher

athletics budget also comes before the BOR in the annual athletics report to provide additional detail and show budgeted versus actual expenditures. The Gopher athletics budget is included in the annual external audit with specific agreed upon procedures on athletic finance completed by the external auditor.

In addition, at the time of the NCAA Certification of Gopher athletics in April 2008, Auditor Gail Klatt provided the results of the self-study component to the Faculty, Staff and Student Affairs committee.

While current BOR policy and practice provides meaningful annual education and oversight opportunities, we have four recommendations for strengthening and formalizing BOR education and oversight of Gopher athletics, as follows:

1. Schedule a biennial educational review of the revenue and expenses of Gopher athletics by the chief financial officer of Gopher athletics to the Finance Committee.
2. Schedule an annual educational review of Gopher student-athlete academic progress, concerns, trends, etc. by the vice provost for Undergraduate Education and the director of the MAC to the Academic and Student Affairs Committee.
3. Include, as a part of the athletics director annual report to the BOR, updates and information on the newly developed Big Ten Standards for Safeguarding Institutional Governance, and other governance changes that may have taken place or are being considered by the Big Ten conference or NCAA.
4. Schedule a full BOR educational session on an aspect of Gopher athletics, rotating topics, as follows:
 - Year one: a presentation by the FARs outlining their role and the role of the two faculty committees dedicated to Gopher athletics oversight, including current trends and issues in which they have provided guidance.
 - Year two: an educational work session on compliance rules and issues by the Office of Athletics Compliance and Office of the General Counsel.
 - Year three: identify a timely topic that reflects current initiatives in Gopher athletics. For example, Title IX review; review of current oversight structures and policies; facilities planning; fundraising; changes to NCAA or Big Ten rules or structures, etc.

The most significant topic usually suggested for greater BOR oversight is the compensation, hiring and termination of revenue sport coaches. The BOR has made a decision not to require the contracts of revenue coaches to come before the BOR. This decision reflects the dynamic reality of revenue coach hiring and termination, which

occurs in very short timeframes, involves intense competition among schools, evaluations of talent and cost in a small but highly specialized market, and requires immediate commitment. It would be extraordinarily difficult to accomplish this and hire top talent if decisions were subject to BOR approval.

At present the president consults with BOR leadership before hiring, terminating or extending the contracts of revenue coaches. The BOR is informed about the terms of these actions. The full contracts are public to the BOR and others. To the extent the BOR determines that it needs more information on these matters we recommend it be handled through a special report to the BOR either in writing or at a BOR meeting.

It has also been suggested in the past that the BOR establish a separate committee for athletics. This would, of course, be different from the BOR's handling of all other academic or administrative departments at the University and is contrary to the goal of integrating Gopher athletics into the administrative structure of the University. The singling out of Gopher athletics tends to over emphasize its importance and loses sight of its actual place as an extracurricular in an institution that is devoted to teaching, research, and service.

There are, of course, other aspects of Gopher athletics on which the BOR could require additional reporting or education. However, a balance must be struck that gives the BOR adequate oversight while avoiding over-involvement in the workings of a single University department. One of the primary concerns about college athletics is that when senior leaders, financial supporters, and BOR members become too closely involved it can dilute the authority of those responsible for the department.

SUMMARY

The BOR has established a policy to govern Gopher athletics on the Twin Cities campus, which has proven to be strong and effective over time. The policy delegates authority to the president and establishes guiding principles for the conduct of the department. The University has established robust and mature structures to ensure independence of the academic and compliance functions and extensive faculty involvement and oversight of student welfare and academic progress. As a result, we have established a strong culture of compliance and have not had any major NCAA infractions in more than a decade.

While our analysis demonstrates that current practices of oversight, both BOR and administrative, are consistent with AGB recommendations, Gopher athletics is a complex and highly visible activity. Thus, our recommendations focus on enhanced BOR education and public transparency to assure the continued success of the program.

Appendix A
Trust, Accountability, and Integrity:
Board Responsibilities for Intercollegiate Athletics

Trust,
Accountability,
and Integrity

Board Responsibilities for
Intercollegiate Athletics

AGB

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Foreword

The Association of Governing Boards of Universities and Colleges (AGB) is pleased to share the results of its recent study on the engagement of governing boards in the oversight of intercollegiate athletics. As spending on athletics by colleges and universities continues to rise, accompanied by mounting public ire about ethical and moral misconduct, it is critically important that governing boards monitor and oversee the impact of athletics on the academic missions of the institutions for which they have fiduciary responsibility. The Knight Commission on Intercollegiate Athletics (KCIA), which has supported AGB's leading work with governing boards and presidents since AGB issued its first formal statement on the topic in 2004, encouraged AGB to pursue this research to assess the challenges confronting board oversight of intercollegiate athletics. Through reports and analyses calling for more concerted involvement of institutional leadership in intercollegiate athletics from the early 1990s onward, both KCIA and AGB have contributed actively to the national dialogue.

In 2009, AGB's Board of Directors approved a revised "Statement on Board Responsibilities for Intercollegiate Athletics," which replaced its earlier statement issued in 2004. The 2009 statement, written with the input of the National Collegiate Athletic Association (NCAA), clarified areas of board policy and oversight while clearly indicating that the administrative leadership of an institution's athletics program should be firmly in the hands of chief executives of institutions and systems.

In this report, AGB explores what boards are really doing in the area of athletics oversight.

We surveyed chief executives and board chairs of Division I institutions, as well as systems that include Division I institutions, about how they have applied the recommendations from AGB's 2009 statement and about other governance issues related to college sports. Our findings demonstrate substantive board engagement but also point to certain areas of responsibility that need to be strengthened. Although public and independent colleges, universities, and systems have their own governing boards and enjoy relative autonomy, they seem much less independent when it comes to intercollegiate sports. Powerful interests that benefit financially from big-time sports, as well as fans and booster clubs with emotional investments, can distort the clarity of mind required for effective governance.

The institutional leaders who responded to our survey and comprised our advisory group represent large athletics programs—either as board leaders, institutional chief executives, or system heads—and have guided our thinking and focus. Their responses to our survey make clear that the positive impact of college-sports programs on student athletes and colleges and universities can be significant and profound. Clearly, a disproportionate share of problems in intercollegiate athletics involves football and basketball programs and their broader oversight. Yet the findings and recommendations included in this report are broadly applicable to all athletics programs and pertinent to institutions across all competitive athletic divisions.

This report focuses on three recommendations for appropriate board engagement in intercollegiate athletics:

1. *The governing board is ultimately accountable for athletics policy and oversight and should fulfill this fiduciary responsibility.*
2. *The board should act decisively to uphold the integrity of the athletics program and its alignment with the academic mission of the institution.*
3. *The board must educate itself about its policy role and oversight of intercollegiate athletics.*

We are not urging boards to move into areas of management prerogative; AGB's earlier statements on athletics make clear our recommendations about the ideal breadth and limitations of board engagement. However, there is no getting around the fact that the changes affecting higher education don't stop at the water's edge of intercollegiate sports. Further, while we urge boards to delegate the administration of their institutions' sports programs to their chief executives, boards must still become more aware of the issues and engage actively and appropriately in policy considerations, which ultimately impact the institution's financial welfare and reputation. We think these recommendations will help boards to strike the right balance in exercising their authority, and to restore the balance between academics and athletics. Getting governance right is part of the story. We must write that chapter or it will be written for us.

Our survey was conducted before the revelations of the Penn State University scandal. As with other cases, the impact at Penn State extends far beyond the reputational damage to its own athletics program or to the university. It was, instead, a painful reminder that all boards need to be well informed and must clearly establish the appropriate role of athletics in relation to

the core values and academic mission of their institutions. When the board fails to provide effective oversight or ask the questions that hold the president of the institution accountable, the consequences can be enormous.

Several months ago a member of this project's advisory group advised his colleagues that our report must answer the question, "Why do boards need to step up their oversight of intercollegiate sports?" As the fiduciary body charged with being the steward of their institution or system," he continued, "they really have no other option."

We appreciate funding support from the Knight Commission for this study, as well as the active participation of the members of the project's advisory group. AGB's director of research, Merrill Schwartz, served as the primary staff lead on the project. We are also grateful to Greg Wegner, the director of program development for the Great Lakes Colleges Association and the author of several of AGB's most essential project reports, for applying his considerable writing skills and good thinking to this report.

John T. Casteen, III
Director, AGB Intercollegiate Athletics Project
President Emeritus, University of Virginia

Richard D. Legon
President, Association of Governing Boards

August 15, 2012

Executive Summary

In recent years, higher education institutions of all kinds have come under increasing public pressure to contain costs while making more effective use of resources. For both public and independent institutions, this environment of increased public scrutiny has intensified the need for more prudent allocation of institutional funds to core purposes. While many areas of the academy today operate in these leaner circumstances, intercollegiate athletics is a category of institutional expenditures that has continued to grow, especially among Division I institutions.

Intercollegiate athletics is big business, and it is getting bigger across most athletic divisions—particularly in Division I universities in the Football Bowl Subdivision (FBS). In its 2010 report, “Restoring the Balance: Dollars, Values, and the Future of College Sports,” the Knight Commission on Intercollegiate Athletics reported that between 2005 and 2008 the rate of spending per student for academic programs in the FBS grew by 20.5 percent; during that same period, the rate of institutional spending for athletes grew by 37.9 percent. What those percentages do not reveal as clearly are the major differences in the *amount* of spending in each category: The Knight Commission’s analysis finds that among that set of institutions the rate of spending per athlete ranged from four to 10 times the expenditures made for educational purposes per student.

Over the past several years, the Association of Governing Boards of Universities and Colleges (AGB) has contributed to the national discussion of the appropriate engagement of governing boards in this often challenging area of institutional activity. To address oversight

and accountability responsibilities at the institutional level, AGB issued its most recent “AGB Statement of Board Responsibilities for Intercollegiate Athletics” in 2009, accompanied by an “Illustrative Policy on Intercollegiate Athletics for Boards and Presidents.”

This new report presents results and reflections from a study designed to identify gaps between actual practices and the principles of effective oversight articulated in the AGB Statement of 2009. We present these findings and observations to governing boards of individual colleges and universities as well as university systems, chief executive officers, and other stakeholders—including the NCAA and the major athletic conferences—in hopes of ensuring the ability of boards and institutional leaders to develop and implement the best policies for their institutions.

The AGB Intercollegiate Athletics Project, funded in part by a grant from the Knight Commission on Intercollegiate Athletics (KCIA), includes the findings of a survey of chief executives and board chairs of Division I institutions, as well as leaders of systems with institutions affiliated with Division I conferences. Our project was informed by an advisory group of presidents and board chairs of public and independent universities. This project group provided a range of contexts and perspectives in considering recent developments in intercollegiate athletics, and informed our recommendations regarding board engagement and board-president collaboration in this realm of institutional responsibility. The project was directed for AGB by John T. Casteen, President Emeritus of the University of Virginia.

Executive Summary

Our gap analysis yielded key findings in five broad areas:

Board Policy on Athletics

- We asked whether the governing board has a policy on intercollegiate athletics similar to the illustrative policy in “The AGB Statement on Board Responsibilities for Intercollegiate Athletics.” While 47 percent of respondents do have such a policy, and another 28 percent of boards have a policy that includes some aspects of the AGB Statement, fully one-fourth of the respondents stated their institutions have no such policy.

Delegation of Authority and Responsibility to Chief Executive

- The survey found that two-thirds of respondents had a formal board policy defining the delegation of responsibility for athletics to the chief executive.
- While 86 percent of respondents stated that the board conducts an annual assessment of the chief executive’s performance, 12 percent said the board does not, and two percent did not know.
- Of those institutions that do conduct an annual assessment of the president, only 71 percent include in it the president’s responsibility for athletics, 15 percent of the institutions do not include the president’s accountability for athletics as part of the assessment, and 14 percent of respondents did not know.

Financial Responsibility

- Our survey asked if the athletics department is self-supporting in the sense of not requiring subsidy from institutional resources. Nineteen percent of respondents to our survey stated that the athletics department is self-supporting and has no need for subsidy from institutional resources.
- For institutions in which athletics is not self-supporting, the subsidy provided ranged from one percent to more than nine percent of an institution’s budget.
- Thirty-eight percent of survey respondents said that the full board receives sufficient financial information on revenues and expenditures for each revenue-generating sport, including net amount of institutional support. Thirty-six percent said a board committee has sufficient information to review these matters. Yet over one-quarter reported that the board is not well informed on these matters.

Student Well-Being

- While 84 percent of boards reported that they receive sufficient data to monitor academic progress of athletes by team, only about one-third of boards reported having sufficient information to oversee declared academic majors of student-athletes or the demands that sports participation places on students’ time.

Executive Summary

Compensation of Athletics Personnel

- Eighty-six percent of respondents stated that the chief executive approves all coaches' and athletic directors' contracts; 14 percent said the president does not perform this function.
- When asked if the chief executive consults with the institution's board on major policy issues coming before the athletic conference's governing body, 69 percent of respondents answered in the affirmative, while 27 percent answered no.
- Our survey found that boards feel least well prepared to oversee their institutions in terms of those limited NCAA rules applicable to governing boards. While 35 percent characterize their boards as *very well prepared* and another 36 percent described their boards as *somewhat well prepared* in this respect, 29 percent of respondents characterized the board's preparation to oversee compliance with NCAA rules as *neutral*, *somewhat poorly*, or *poorly*.

With the endorsement of the project's advisory group, this essay reaffirms the core recommendations set forth in the 2009 "AGB Statement on Board Responsibilities for Intercollegiate Athletics."

The findings of our survey and insights of our advisory group confirm our sense that an appropriate integration of athletics into the academic mission cannot be achieved and maintained unless the governing board firmly establishes needed policies and exercises fiduciary oversight to ensure accountability and keep that balance intact. Accordingly, we make

three primary recommendations to governing boards from the work of this project:

1. **The governing board is ultimately accountable for athletics policy and oversight and should fulfill this fiduciary responsibility.** As the fiduciary body of the institution, the governing board bears responsibility for establishing a policy framework governing athletics. The board must act on this authority, establish high standards for transparency and ethical standards, and hold itself and the institution's chief executive accountable for the implementation of those policies—in part through periodic performance assessment that includes the chief executive's responsibility for the athletics program. Even the most effective administrators cannot succeed in regulating athletics without a clear framework of institutional policy to define the boundaries. Effective oversight requires that the board inform itself about the athletics program — including risks and challenges — and engage in policy questions that address those issues. While the board delegates management of intercollegiate athletics to the chief executive, it must recognize its ultimate responsibility.
2. **The board should act decisively to uphold the integrity of the athletics program and its alignment with the academic mission of the institution. Policies that define the administration of athletics programs should be consistent with those for other academic and administrative units of the institution or system.** The athletics

Executive Summary

program should, further, be functionally integrated into the administrative structure and philosophically aligned with the mission of the institution. Boards should have a process in place to review contract agreements for highly compensated athletics personnel, financial information concerning athletics, and indicators of the academic progress and well-being of student athletes. The governing board should be informed of and consulted on issues related to conference membership, have final review of data ascertaining compliance with NCAA and conference regulations, and, on an annual basis, publicly certify that the institution is in compliance.

- 3. The board must educate itself about its policy role and oversight of intercollegiate athletics.** The governing board of the institution must act intentionally to increase its collective span of knowledge concerning athletics. Also, each board member should be aware of the standards of behavior and regulations that apply to them individually. New board members, as part of their orientation, and all board members, ongoing, should be informed about the business and challenges of intercollegiate sports, risk assessments, pertinent NCAA and conference rules, Title IX and other federal regulations, and the progress and well-being of student athletes. The board needs to be aware of the balance between appropriate oversight and involvement in institutional policy and intrusion into management prerogatives — an especially important understanding for effective oversight of intercollegiate athletics.

We encourage *chief executive officers* to act transparently on matters related to intercollegiate athletics and to support the board in exercising its appropriate authority. And we call on *governing bodies of university systems* to exercise an appropriate level of oversight to ensure that athletics programs in each college or university operate according to board policies, principles of financial and academic integrity, and mission fulfillment. Finally, we urge *the NCAA* to include in its manuals clear statements recognizing the ultimate responsibilities of governing boards for intercollegiate athletics.

Boards need to have a clear sense of responsibility — one that recognizes both the extent and limits of its role in athletics. It is neither efficient nor appropriate for governing boards to be directly involved in day-to-day operations of colleges and universities, including their athletics programs. But board accountability appropriately includes oversight of intercollegiate athletics, just as it does student life, academic affairs, finance, and other key areas of the institution. Integrating athletics programs into the culture and structure of higher education institutions may require boards to rethink their roles and may require changes in how many athletics programs operate.

Given the continued growth of athletics expenditures relative to other purposes and programs, our concern is that if boards do not act to ensure an appropriate balance between athletics and academics in our higher education institutions, policy makers or others will do it for us.

The first definition given to the word “trust” in the Oxford English Dictionary (OED) is “Confidence in or reliance on some quality or attribute of a person or thing, or the truth of a statement.” Historically, this concept of trust precedes the more particular definitions of the word as it is used in law or finance. Other definitions from the OED make clear the strength of commitment that anyone accepting the role of trustee must make: Trust also describes “the obligation or responsibility imposed on one in whom confidence is placed or authority is vested, or who has given an undertaking of fidelity.”¹

The significance of trust as evoked in these definitions underscores the fundamental responsibility that every member of a governing board — every trustee — must accept. The financial and legal dimensions of trusteeship stem from the broader conception of trust that emphasizes trustees’ responsibility to uphold and protect the integrity of the institution and its programs as a mission-centered institution of higher education. In accepting the mantle of trust, the board pledges the highest degree of responsibility to ensure the integration of athletics as a contributing element to the academic and educational mission.

The AGB Intercollegiate Athletics Project was undertaken as a “gap analysis” — a process to gauge the extent to which governing boards fully understand and act upon the responsibilities of trust and trusteeship with regard to intercollegiate athletics at their institutions. Our research process compared the recommendations to governing boards as stated in the 2009 “AGB Statement on Board Responsibilities for Intercollegiate Athletics” (endorsed by the Knight Commission and drafted with input from the NCAA) to the

actual behaviors of boards and board members as reflected in the survey and advisory group discussions.

The survey was conducted by e-mail and the population included presidents and board chairs of Division I institutions. The survey of presidents (CEOs) was conducted during an eight-week period in the spring of 2012. One hundred forty-three (143) college presidents responded to the survey, representing approximately 42 percent of the Division I institutions.¹

The institutional attributes of the 143 respondents to the survey of presidents were:

- 53 independent and 90 public
- 7 baccalaureate, 54 master’s, and 82 research and doctoral
- 41 Division I (no football), 51 I-FBS, and 51 I-FCS
- Operation budgets of respondent institutions in Division 1-no football (39) and Division I-FCS (49) were under \$40 million in FY12, while two-thirds of the institutions in I-FBS (33 institutions or 66 percent) had athletics department operating budgets equal to or greater than \$40 million.

1. Three additional surveys were conducted, with fewer respondents: 15 system heads, nine system board chairs, and 25 board chairs. Data from the presidents’ survey were most representative and are featured in this analysis. Comments from system heads, system chairs, and regular chairs are also included. A comparison of responses of presidents and board chairs showed that they agreed on most issues. Differences in responses were evaluated and “don’t know” accounted for most answers with large disparities (differences greater than 20 percent). This lends credibility to reliance here on responses from presidents.

Introduction

This gap analysis focuses particularly on areas of board responsibility as identified in the 2009 AGB Statement, drawing from survey results and insights of our advisory group. The complete results of the survey are available online at www.agb.org. We understand the inherent limitations of a survey in which respondents describe attributes of their own institution, though we think the observations from this method provide valuable insights into the role of athletics within the culture of a range of universities and colleges. At the same time, the results from this survey offer questions for further research.



General Oversight Responsibility

“The well-being of the student body and student athletes and the success of the institution’s academic mission depend on communication, cooperation and coordination on every level; clear delineation of responsibilities is critical. An intercollegiate athletics policy should spell out roles of the board, president, and athletics department in a manner consistent with their requisite leadership and oversight responsibilities.”

— Preamble, Illustrative Policy on Intercollegiate Athletics for Boards and Presidents, “AGB Statement on Board Responsibilities for Intercollegiate Athletics” (2009)

One of our survey questions asked whether the governing board has a policy on intercollegiate athletics similar to the illustrative policy in the “AGB Statement on Board Responsibilities for Intercollegiate Athletics.” We note with some concern that while some 47 percent of

respondents do have such a policy, and another 28 percent of boards have a policy including some aspects of the AGB’s illustrative policy, fully one-fourth of the respondents stated that their institutions have no such policy.

Table 1 – Does your board have a policy on intercollegiate athletics similar to the illustrative policy in AGB’s 2009 “Statement on Board Responsibilities for Intercollegiate Athletics”?

	Number	Percent
Yes, similar policy	66	46.8
Yes, includes some aspects of AGB’s illustrative policy	40	28.4
No	35	24.8
Total	141	100.0

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General Oversight Responsibility

Presidential Authority and Performance Assessment

“Boards should delegate direct responsibility for the conduct and control of the athletics department to the institution’s chief executive. This authority must be explicitly defined, clearly understood, and articulated in a formal policy statement. It should be reinforced by consistent and visible public support of the chief executive.”

— “AGB Statement on Board Responsibilities for Intercollegiate Athletics” (2009)

In athletics, as in every other component of an institution’s operations, the role of board members is to provide oversight and guidance without becoming directly involved in operations. In concept, the governing board invests the chief executive with authority to manage operations; in carrying out its fiduciary responsibility, the board holds the president accountable for ensuring that all programs and units contribute to the fulfillment of the mission while maintaining the financial health

of the institution. Our survey found that two-thirds of respondents had a board policy defining the delegation of responsibility for athletics to the chief executive.

When asked whether the board has interfered inappropriately with athletics during the current tenure of the chief executive, 86 percent of respondents in our survey said no; another nine percent said yes, and five percent did not know.

	Yes	No	Don’t know
Board has policy/statement defining delegation of responsibility for athletics to chief executive	67.6	23.9	8.5
Board respects the authority for athletics delegated to chief executive	90.1	4.3	5.7
Board has interfered inappropriately with athletics during current tenure of chief executive	9.2	85.9	4.9

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General Oversight Responsibility

“The board should support the president in setting benchmarks and standards for the conduct, operation, and oversight of the athletics program, monitor progress, and hold the president accountable for the results.”

— “AGB Statement on Board Responsibilities for Intercollegiate Athletics” (2009)

We asked if the board conducts an annual assessment of the chief executive’s performance. While 86 percent of respondents answered yes, 12 percent said no, and two percent did not know. Of those institutions that conduct an annual assessment of the president, only 71 percent include the president’s

responsibility for athletics as part of the assessment. At 15 percent of the institutions in which the board conducts an annual assessment of the chief executive’s performance, the president’s accountability for athletics is not part of the assessment. Fourteen percent of respondents did not know.

Table 3 – Does the board conduct an annual assessment of the chief executive’s performance?

	Number	Percent
Yes	122	85.9
No	17	12.0
Don’t Know/Not Applicable	3	2.1
Total	142	100.0

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Table 4 – If yes, does this assessment address accountability for intercollegiate athletics?

	Number	Percent
Yes	89	71.2
No	19	15.2
Don’t Know/Not Applicable	17	13.6
Total	125	100.0

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General Oversight Responsibility

Child-Safety Policies

We would be remiss if we did not acknowledge a special responsibility of boards to ensure the safety of minors participating in activities on campus. Survey results showed that 99 percent of the responding institutions offer camps, programs, or the use of athletics facilities for children and teens (other than enrolled students); only 50 percent of those institutions have board policies regarding the safety and protection of children. Colleges and

universities typically invite youth to participate in a broad range of academic, cultural, and athletics programs on campus. This provides a service to the community and a benefit to young people. Boards are reminded that this also presents an obligation for ensuring the safety of children and protecting the institution from risk. Board policies applicable to all campus programs are needed.

Table 5 – Does the athletic department or staff offer camps, programs, or use of campus athletics facilities to children and teens (other than enrolled students)?

	Number	Percent
Yes	139	99.3
Don't Know/Not Applicable	1	.7
Total	140	100.0

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Table 6 – If yes, does the board have policies and procedures regarding the protection and safety of children and teens?

	Number	Percent
Yes	71	50.4
No	40	28.4
Don't Know/Not Applicable	30	21.3
Total	141	100.0

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General Oversight Responsibility

Boards must ask:

- Has the board approved a policy related to the role of intercollegiate athletics in furthering the overall mission of the institution?
- Has the board established a clear framework of policies that (1) confers authority and responsibility for athletics to the chief executive and (2) details appropriate board engagement?
- Does the board (and its standing committee on athletics, if there is one) receive sufficient information to exercise reasonable oversight of athletics in the fulfillment of the board's duty of trust?
- Does the board monitor key performance indicators for the athletics programs regarding academic progress of student-athletes by team, budgets (including institutional costs for revenue-generating sports), expenditures per athlete, etc.?

Fiscal Responsibility

As noted previously, the Knight Commission on Intercollegiate Athletics has demonstrated that the rate of institutional expenditures per athlete exceeds the expenditures per student by a considerable margin. This disparity between the investment in academic programs per student and the much larger proportionate allocation of resources to athletics per athlete can easily give rise to questions of institutional priorities,

and ultimately questions about the institution's integrity in achieving its academic mission. The magnitude of institutional investment in athletics makes it incumbent upon boards to be apprised of the financial model for athletics programs, to understand the sources that contribute to the athletics budget, and to monitor the growth of institutional expenditures from year to year. The range of athletics expenditures among institutions in our survey conveys the scale of the enterprise.

The Athletics Budget

	Number	Percent
No answer	5	3.5
\$1 million - \$9.9 million	35	24.5
\$10 million - \$19.9 million	47	32.9
\$20 million - \$39.9 million	23	16.1
\$40 million - \$59.9 million	14	9.8
\$60 million - \$79.9 million	11	7.7
\$80 million - \$99.9 million	6	4.2
Over \$99.9 million	2	1.4
Total	143	100.0

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Our survey asked if the athletics department is self-supporting in the sense of not requiring subsidy from institutional resources. Nineteen percent answered that the athletics department is self-supporting and has no need for institutional subsidy.

Fiscal Responsibility

For institutions in which athletics is not self-supporting, we also asked what percentage of the institution's operating budget is used to subsidize the cost of the athletics department. The results are presented in the following

table. Because of the difficulty in defining "self-supporting" and identifying and attributing all athletics-related costs and subsidies, we think institutional support is likely underreported.

Table 8 – Is the athletics department self-supporting—that is, does revenue from sources other than state appropriations, student fees, tuition, and other institutional funds exceed expenses?

	Number	Percent
No	110	78.0
Yes	27	19.1
Don't Know/Not Applicable	4	2.8
Total	141	100.0

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Table 9 – If no, what is the approximate percentage of the institution's operating budget used to subsidize the cost of the athletics department?

	Number	Percent
< 1 percent	18	16.8
1-3 percent	38	35.5
4-5 percent	20	18.7
6-7 percent	9	8.4
8-9 percent	9	8.4
> 9 percent	13	12.1
Total	107	100.0

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Fiscal Responsibility

“Boards should review and approve the intercollegiate athletics budget as part of the institution’s regular budgeting process.”

— “AGB Statement on Board Responsibilities for Intercollegiate Athletics” (2009)

Investments at these levels should entail a full and careful review for a board committed to fulfill its fiduciary responsibility to the institution. Our survey asked if the full board reviews and approves the intercollegiate athletics budget as part of the full budgeting process. Sixty-two percent of respondents answered yes, while 35 percent answered no.

A governing board needs to be confident that it has brought the full degree of rigor required in reviewing the athletics program and its impact on the institution as a whole from the standpoint of budget, student-well-being, and other considerations. The question often arises whether a board should establish a separate standing committee on athletics. Our survey found that institutions were divided: 52 percent do not have a separate

board committee on athletics, 46 percent do, and 2 percent didn’t know. The discussions of our advisory group indicate that there is no universal answer to this question; the history and circumstance of different institutions have yielded different governance arrangements, each of which can serve a board’s need to be well-informed on athletics. Either a separate athletics committee or explicit designation of responsibility for athletics in the charge of one or more standing committees can accomplish this goal. Regardless of the particular mechanism chosen, the board structure and culture should ensure the board’s effectiveness in exercising oversight of athletics. We refer readers to the AGB Statement of 2009 (page 12) for a discussion of the arguments for and against boards establishing a separate athletics committee.

Table 10 – Does the board have a standing committee on athletics?

	Number	Percent
No	74	52.1
Yes	65	45.8
Don’t Know/Not Applicable	3	2.1
Total	142	100.0

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Understanding Athletics Funding

“Boards should devote the necessary time to understand the complexities of the financing of intercollegiate athletics. Elements include such matters as revenue flows from television contracts, booster clubs, affiliated foundations, corporate sponsorships, and athletics conference, as well as revenues allocated to the athletics department from direct and indirect institutional support, governmental support, and student fees.”

— “AGB Statement on Board Responsibilities for Intercollegiate Athletics” (2009)

The board needs to know the extent to which the funding for athletics comes from the institution’s general fund, student fees, or support from affiliated foundations or state government, and how such funding comports with board policy. The

board should understand the extent to which funds that might otherwise go to academic programs are directed instead to athletics. Our survey asked how well the board is apprised of several aspects of the financial models for athletics:

Table 11 – Does the board receive sufficient financial data to monitor the following? (in percentages)

	Yes, full board	Yes, board committee(s)	No
Revenue flows from television contracts, booster clubs, affiliated foundations, corporate sponsorships, and athletics conferences	32.6	41.8	25.5
Revenues allocated to the athletics department from direct and indirect institutional support, governmental support, and student fees	50.4	39.6	10.1
Self-sufficiency of the athletics department or if it is supported by student fees, state appropriations, tuition, or other institutional revenues	60.4	31.7	7.9
Revenues and expenditures for each revenue-generating sport, including net amount of institutional support	38.4	35.5	26.1

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Fiscal Responsibility

Risk Assessment

“Boards should be certain that clear policies and reporting requirements exist with respect to the finances and fundraising activities of outside organizations. Specifically, boards should ensure that all funds raised by booster clubs and affiliated organizations and expended on behalf of the athletics department are under the clear control of the institution and subject to appropriate oversight by an office of the institution that is independent from the athletics department.”

— “AGB Statement on Board Responsibilities for Intercollegiate Athletics” (2009)

All boards must understand “risk” as the term applies to intercollegiate athletics. Our survey asked if the institution conducts an annual risk assessment to evaluate the internal controls of the athletics department. While a strong majority of institutions do assess such risk, 14 percent of

responding institutions do not. A few of those institutions that do conduct risk assessment do not involve the institution’s internal audit office, and 14 percent of respondents did not know if the internal audit office is involved in risk assessment involving athletics.

Table 12 – Is an annual risk assessment conducted to evaluate the internal controls of the athletics department?

	Number	Percent
Yes	116	81.7
No	20	14.1
Don’t Know/Not Applicable	6	4.2
Total	142	100.0

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Table 13 – If yes, is the institution’s internal audit program/office of risk assessment engaged in the evaluation?

	Number	Percent
Yes	104	82.5
No	5	4.0
Don’t Know/Not Applicable	17	13.5
Total	126	100.0

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Fiscal Responsibility

Boards need to take a stand in bringing about a new era of heightened accountability in the domain of intercollegiate athletics. All too often, boards are unclear about the financial model, whether the athletics program is self-sufficient, or whether athletics programs are supported by institutional funds (often derived from student

fees and other sources). In rare but well-known instances, boards have been lax in assessing institutional risks in athletics—with dire consequences for their institutions.

Boards must ask:

- **Does the institution use an understandable and transparent financial model for athletics?**
- **Does the board understand and review the allocation of athletics cost among student fees, revenues from spectator sports, private gifts, and state support?**
- **Does the board objectively consider the balance between athletics and the academic mission of the institution, as reflected in budget decisions? How well integrated are athletics into the fiscal and cultural aspects of the institution?**
- **Are athletics finances assumed under the overall institutional budget? If not, does the board retain appropriate financial monitoring of all revenues and expenses related to athletics?**
- **How transparent is the institution in disclosing the budget for athletics?**

The Well-Being of Student-Athletes

“Boards should review graduation-rate data, information on the number and rates of special admissions of athletes compared to the regular student body, and information on the declared majors of student-athletes.”

— “AGB Statement on Board Responsibilities for Intercollegiate Athletics” (2009)

To honor and exercise the duty of trust, the board must ensure that student-athletes are in fact successful as students. Boards must be attentive to the academic progress of athletes, ensuring that their participation in intercollegiate sports does not negatively affect their progress and success in the curriculum.

Eighty-four percent of the institutions responding to our survey reported that the governing board receives sufficient data to monitor student-athletes’ academic progress by team, and only

about one-third of respondents stated that the board receives sufficient information regarding three other key categories to gauge the impact of athletics participation on student academic progress: the declared majors of student-athletes, the demands of sports on student-athletes’ time, and the number of student-athletes who transfer out of the institution. These three measures lend substance to the academic indicators. Boards need to understand and use them if they are to protect the well-being of student-athletes.

Table 14 – Does the board or its committees receive academic data sufficient to monitor student-athletes in the following areas? (in percentages)

	Yes	No	Don’t know
Academic progress (APR) by team	84.3	11.4	4.3
Declared academic majors of student-athletes	32.1	55.0	12.9
Demands on time for sports	36.7	48.9	14.4
Student-athletes who transfer out of the institution	32.1	51.4	16.4
Student-athletes who transfer in from community colleges or other institutions	31.2	52.9	15.9

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The Well-Being of Student-Athletes

“Boards should be certain that the intercollegiate athletics program reflects the institution’s academic values and does not detract from or undermine them. Student-athletes should be held to the same academic and social standards as other students...”

— “AGB Statement on Board Responsibilities for Intercollegiate Athletics” (2009)

A team grade-point average significantly below that of the student body, a clustering of athletes into less-demanding courses and programs of study, and a pattern of increasing travel and absence by

athletes due to extended playoffs and a change in athletic conference are all indicators of sports participation impeding the academic progress and welfare of student-athletes.

Boards must ask:

- **How thoroughly does the board monitor the grade-point averages, graduation rates, and academic-progress rates (APR) of athletes?**
- **Has the board established policies indicating steps to take if the academic progress of athletes is less than satisfactory?**
- **How fully integrated are athletes in the institution’s curriculum? How do their programs of study compare to those of the student body in general? To what extent do athletes cluster in a set of courses and majors commonly regarded as being less rigorous than the curriculum as a whole?**
- **How does the academic success and graduation rate of athletes, by sport, compare to that of the student body as a whole? What is the relationship between athletic success and academic achievement?**

Compensation Packages of Coaches

Coaches' compensation provokes inherent tensions between academics and athletics. Respondents were asked if they thought salaries were excessive for football coaches at their institution. Only 14 percent of respondents answered yes to this question, 58 percent said no, and 29 percent did not know. Similarly, only 15 percent of respondents said that salaries of men's basketball coaches

are excessive at their institutions, 82 percent said they are not excessive, and 3 percent didn't know. Respondents were also asked whether the chief executive approves in advance all coaches' and athletic directors' contracts: 86 percent of respondents said yes, and 14 percent said no.

"Boards should review and approve policies intended to ensure that compensation procedures and practices for the intercollegiate athletics program are consistent with overall institutional standards and practices."

"The board's compensation committee should ask to review the compensation packages of the athletics director and head coaches of major sports."

— "AGB Statement on Board Responsibilities for Intercollegiate Athletics" (2009)

When considering parameters for compensation of coaches, boards should direct careful attention to ensure that those agreements reflect the institution's mission. Boards should also remain mindful of the message that such compensation agreements send to faculty, students, and external constituents about the relative value of sports.

Potentially controversial compensation issues go beyond salary. At many institutions, coaches and other athletics personnel are allowed, or even encouraged, to supplement their salaries with outside sources of income including testimonials, call-in radio shows, and other financial opportunities. One of our survey questions asked whether the chief executive discloses to the board non-standard terms for coaches' and athletic directors' contracts: 74 percent of respondents answered yes, while 26 percent said no. At some universities, the compensation a coach receives can become so deeply embedded in the prevailing

culture that it becomes very difficult for the institution to control.

We affirm that the board must establish a policy regarding a coach's complete compensation package – one that requires a coach to disclose all sources of income beyond the salary earned from the institution. The board should be prepared to stipulate what actions a coach can take to augment compensation from sources outside the institution. Beyond that, a board should ask questions about, and be informed of, the terms of coaches' contracts. If the compensation package seems unreasonable, in itself or in relation to other highly valued employees of the institution, the board must be willing to act in ways that bring the compensation within an acceptable range. A board must be supportive of a president to hold the line against an athletics director's assertion of the need for ever-more costly compensation packages in order to prevent a coach being recruited to other institutions.

Compensation Packages of Coaches

Boards must ask:

- **Does the board have a guiding philosophy and appropriate policies regarding highly compensated employees? Does the board require use of a contract template for highly compensated employees and its approval of multi-year contracts?**
- **Has the board satisfied itself that differences between the compensation of athletics personnel and professionals with comparable responsibilities in other units have not negatively affected the academic culture of the institution?**



Athletic-Conference Participation and Realignment

A development that has become increasingly significant since the 2009 “AGB Statement on Board Responsibilities for Intercollegiate Athletics” is the phenomenon of conference realignment among Division I institutions. While it is commonly believed that higher education institutions change conferences entirely on the basis of money, without substantial concern for the well-being of their student-athletes, that is only part of the explanation: The motivation for a change in athletic conference membership also often includes the prospect of greater status through television exposure and postseason play. For some institutions, student-athletes’ longer travel times to games and possibly extended playoff seasons seem to matter less than the chance to showcase the teams — and, by extension, the institution — and the enhanced reputation, prestige, and revenues that result.

Given that the infusion of big money into intercollegiate athletics threatens to distort the academic values of mission-centered institutions, many commentators, academics, administrators, and experts have charged that the increasing flow of money into the institution from conference playoffs has led to institutional exploitation of student athletes, who reap no direct financial benefits from their play and receive only the attention that results from being placed in the

public spotlight. These issues and others mean that the impact of a conference change on an institution’s other, non-revenue sports and teams necessitate policy clarification by the board.

In our survey, we asked whether the chief executive consults with the institution’s board on major policy issues coming before the athletic conference’s governing body. While 69 percent of respondents answered in the affirmative, 27 percent answered no.

Another important consideration regarding a change in athletic conferences that should involve the board is how additional revenues, if any, from media contracts are allocated within the institution. The rationale has often been that if the revenue comes in through athletics, it belongs to athletics to spend for its own purposes. But it is the responsibility of the governing board to determine and state clearly whether those revenues should in fact belong to the institution, to be allocated in ways that advance the most pressing needs in fulfillment of the institution’s mission. The financial landscape of the world economy changed fundamentally in 2008, and universities and colleges today are still defined by those circumstances. The academic mission should come first; higher education institutions of all kinds face the imperative to husband their resources in ways that contribute

Table 15 – Does the chief executive consult with the institution’s board on major policy issues coming before the athletic conference’s governing body?

	Number	Percent
Yes	94	68.6
No	37	27.0
N/A	6	4.4
Total	137	100.0

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Athletic-Conference Participation and Realignment

most effectively to the fulfillment of the academic mission. Given this dramatic change in the financial environment, boards must ensure that the institution directs new revenues from conference participation to the most crucial needs.

Boards must weigh such factors as cost, reputation, the impact on student athletes, and the

ramifications of the decision on other sports at the institution when debating a potential change in athletic conference. A final decision to change athletic conferences should involve the governing or system board to a significant degree, in collaborative review with institutional leadership.

Boards must ask:

- **What are the advantages and disadvantages of current conference affiliations?**
- **What factors are driving consideration of changing conferences? Will a change in conferences be in the interest of student-athletes?**
- **Who is involved in the decision about conference membership? Has the president been central to the decision? Has the board been consulted in the deliberations, and has it given approval to the decision?**
- **How will a change in conferences affect financing of the athletics program? How will the institution fund additional expenses or allocate additional revenue?**

Self-Study and Certification of Compliance with Conference and NCAA Regulations

Fiduciaries must account for their stewardship. One of the most important acts that a governing board can perform to ensure the integrity and academic-mission alignment of an athletics program is to engage in the compliance processes for annual certification by its athletic conference and with NCAA regulations. Our survey found that of all the information that boards receive to prepare for oversight in intercollegiate athletics,

boards feel least well prepared to oversee their institutions in terms of NCAA rules applicable to governing boards. While 35 percent characterize their boards as *very well prepared* and another 36 percent as *somewhat well prepared* in this respect, 29 percent of respondents characterized the board's preparation to oversee compliance with NCAA rules as either *neutral*, *somewhat poor*, or *poor*.

“Boards should review and discuss results of the NCAA institutional self-study and certification processes...Boards should review and monitor the institution’s plans to ensure gender equity...Boards should insist that NCAA rules and regulations relating to the time demands placed on student-athletes are met in spirit and in practice.”

— “AGB Statement on Board Responsibilities for Intercollegiate Athletics” (2009)

Table 16 – Does the board receive the athletics program financial reports prepared by the institution and submitted to the NCAA?		
	Number	Percent
No	49	35.8
Yes, board committee(s)	49	35.8
Yes, full board	39	28.5
Total	137	100.0

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In our survey, we asked if the board receives financial reports concerning the athletics program, which are prepared by the institution and submitted to the NCAA. More than one-third of the respondents answered that the board does not receive such reports.

Self-Study and Certification of Compliance with Conference and NCAA Regulations

When asked if the board has reviewed and discussed the results of the most recent institutional self-study and certification process, 59 percent of chief executives responding said yes, while 27 percent had not, and 14 percent did not know.

We recommend that governing boards actively participate in the process of certifying the institution's compliance with NCAA and conference regulations. The board's engagement in this process ensures that the financing and operations of athletics have been subject to the full rigor of review by the board of trustees. We commend the Atlantic Coast Conference for their three-step board certification process and recommend it as an example for others to follow:

1. The board receives training in what it means to certify compliance with the regulations.
2. After completing training and reviewing the certification data, the governing board in full session makes a motion for the chair to sign the compliance statement in open meeting.
3. The board chair signs the statement in the presence of the full assembled board. (*A model statement is provided in the Appendix.*)

Ultimately the board bears final responsibility for ensuring that the institution complies with the principles of certification established by the athletic conferences or NCAA. These three steps ensure that a board's role in the certification process constitutes something more than perfunctory approval. Through these actions, the board publicly affirms its commitment to ensure that the institution is in compliance not just with the formal requirements of an external agency but also with the spirit of the academic mission, which conceives athletic participation as part of a student's educational experience at college. This process is valuable for its educational and symbolic import, which impresses on board members the weight of responsibility they accept in certifying the institution's compliance with external standards of participation in intercollegiate athletics.

Self-Study and Certification of Compliance with Conference and NCAA Regulations

Boards must ask:

- Has the board or a key standing committee familiarized itself with the terms of compliance with conference and NCAA regulations?
- Has the board reviewed the data that the institution has prepared for submission as part of the NCAA certification process? Has it satisfied itself of the accuracy and completeness of the information?
- Has the full board moved to have its chair sign the certification agreement on behalf of the institution?



Intercollegiate Athletics in Public University Systems

Many public universities competing in Division I athletics are part of state university systems. In such cases, the weight of authority and decision making with regard to athletics tends to reside mainly with the individual campuses and their presidents. That reality gives rise to several key questions: How do the responsibilities of a system board compare to those of an individual institution? How should a board which oversees many institutions, which may have different missions and participate in different athletics divisions and conferences, exercise its fiduciary responsibilities for athletics?

Though the scale and complexity of systems can be extensive, this does not relieve system boards of the responsibility to provide informed oversight of intercollegiate athletics. For the same reason that boards of individual universities and colleges need a clear understanding and oversight of athletics at their institutions, a system board must be attentive to the policies and practices for athletics within the system as a whole. At the same time, the system board must support the unique role of the system head and his/her responsibility for the president or chancellor of each campus. Toward this end, a key question for system boards is the degree to which athletics should be delegated to campus presidents and local boards (if any), and the respective roles of the system head and system board in ensuring the integrity of athletics.

A system board should establish clear policies concerning intercollegiate athletics in ways that are consistent with its other oversight responsibilities. A system board must also take steps to ensure that it is informed about the financial health and operational integrity of intercollegiate athletics across its campuses.

The range of actual practices, however, is great, as AGB's survey results demonstrate. Some respondents who serve as presidents of institutions in public university systems thought the questions in our survey were not directly applicable to a system structure; in their cases, their governing boards play a very limited role in the oversight of athletics. Meanwhile, other respondents indicated that their state university systems have set in place high expectations for student-athletes, clear policies, and clear reporting requirements. Input from the AGB project advisory group assisted in shaping the thinking and recommendations included in this study. It is clear that a system board, working in collaboration with the system head, must establish its appropriate level of authority and accountability for this area of oversight.

We commend the steps taken recently by the University System of Maryland (USM) to reaffirm and enhance its governing board's role in reviewing and approving the operation of athletics within its system campuses. Prompted by concerns about the financing of intercollegiate athletics and the academic progress of students, USM undertook a thorough review of intercollegiate athletics at each of its institutions.

The resulting white paper, "The University System of Maryland Board of Regents' Oversight of Intercollegiate Athletics Programs," (2011) offers useful insights for public university systems to consider. For example, the paper's authors assert that the system board should delegate authority to each campus president, who should then report through the system's chancellor and to the system governing board. The system chancellor and board must then continually monitor and approve the functioning of intercollegiate athletics at their

Intercollegiate Athletics in Public University Systems

institution, and should receive regular reports regarding their institution's financing of athletics and the academic progress and success of athletes. The white paper also endorses a process in which the system chancellor and board review the contracts of coaches and athletic directors.

The fundamental message of the paper is that oversight of athletics from the system level must be consistent with a system's treatment of academic programs and other areas of oversight. Inherent in the review process outlined by the authors is the premise that funds intended for academic purposes cannot be diverted to athletics departments on system campuses. Their recommendations can help ensure that athletics retains their integral link to the academic mission of each campus and the system as a whole.



The NCAA

that contribute to the escalating cost of higher education. Finally, NCAA rules should clarify standards of conduct regarding intercollegiate athletics for members of governing boards and articulate its expectations for board members to inform themselves and comply.

Perhaps the NCAA, in its failure to clarify the role of board oversight of athletics, also fails to recognize where institutional authority ultimately lies.



Recommendations

We present this survey analysis with the knowledge that no single publication or series of recommendations will bring about a transformation that restores the integrity and reputation of intercollegiate athletics – particularly the revenue sports of Division I. We nonetheless stress the need to address the financial challenges associated with college sports, to ensure the link between intercollegiate athletics and academic priorities, and to reaffirm standards and ethics in college athletics. Colleges and universities need more-comprehensive and better-informed collaborative policy making between governing boards and their institutions in an area where boards have had a mixed report card, limited engagement, and a unique degree of interest. Good governance reconciles delegated authority, shared responsibility, and board accountability. Finally, this study and its recommendations are offered in the name of protecting higher education's values and preserving colleges and universities as places of learning.

The balance between athletics and academics cannot be maintained unless the governing board firmly establishes a basis of policy and accountability for keeping that balance intact. Accordingly, we make three primary recommendations to governing boards:

1. **The governing board is ultimately accountable for athletics policy and oversight and should fulfill this fiduciary responsibility.** As the fiduciary body of the institution, the governing board bears responsibility for establishing a policy framework governing athletics. The board must act on this authority, establish high standards for transparency and ethical standards, and hold

itself and the institution's chief executive accountable for the implementation of those policies. Even the most effective administrators cannot succeed in regulating athletics without a clear framework of institutional policy to define the boundaries. Effective oversight requires that the board inform itself about the athletics program—including risks and challenges—and engage in policy questions that address those issues. While the board delegates management of intercollegiate athletics to the chief executive, it must recognize its ultimate responsibility.

2. **The board should act decisively to uphold the integrity of the athletics program and its alignment with the academic mission of the institution.** Policies that define the administration of athletics programs should be consistent with those for other academic and administrative units of the institution or system. The athletics program should be functionally integrated into the administrative structure and philosophically aligned with the mission of the institution. Boards should have a process in place to review contract agreements for highly compensated athletics personnel, financial information concerning athletics, and indicators of the academic progress and well-being of student athletes. The governing board should be informed of and consulted on issues related to conference membership, have final review of data ascertaining compliance with NCAA and conference regulations, and, on an annual basis, publicly certify that the institution is in compliance.

Recommendations

- 3. The board must educate itself about its policy role and oversight of intercollegiate athletics.** The governing board of the institution must act intentionally to increase its collective span of knowledge concerning athletics. Also, each board member should be aware of the standards of behavior and regulations that apply to them individually. New board members, as part of their orientation, and all board members, ongoing, should be informed about the business and challenges of intercollegiate sports, risk assessments, pertinent NCAA and conference rules, Title IX and other federal regulations, and the progress and well-being of student athletes. The board must be aware of the balance between appropriate oversight and involvement in institutional policy and intrusion into management prerogatives—an especially important understanding for effective oversight of intercollegiate athletics.

The findings of our survey and insights of our advisory group have strengthened our conviction that the presence of administrative or managerial oversight alone is not sufficient to counter the forces that cause athletics to equal and even overshadow the academic purposes of an institution. Boards are the natural agents to provide that presence because of the fiduciary responsibility they have for their institutions. There must be a framework of policy and a system of accountability to provide boundaries for athletics in universities and colleges.

It is not appropriate for governing boards to be directly involved in day-to-day operations and decisions. But the board must provide oversight

and satisfy itself that the athletics program operates with integrity, a distinction that can be both challenging in practice and essential to good governance. Acting as a unified governance body, the board must bring a high degree of awareness and engagement in carrying out its fiduciary responsibility with regard to athletics. Boards need to have a clear sense of responsibility that recognizes both the board's authority and the limitations of its authority over athletics.

It is equally important for the board to understand the distinction between public interests and any unique or private interests its members may have in athletics. In accepting its corporate responsibility for the fiduciary health and integrity of the institution, boards must rise above the culture that makes people fans of athletics. In matters of athletics, "everyone is an expert." Board members have the right – and the responsibility – to make the judgments that others do not have to make regarding athletics. When trustees come to believe the kinds of opinions that fans of the team express in a state of pitched excitement – that "the coach is an idiot," "the player is incompetent," or "the university is ruined because the team is losing" – boards are not able to do their work.

When all is said and done, boards must function at a higher level of awareness and judgment. The growing sense of urgency in this matter stems from the fact that Division I athletics are a very visible part of the higher education landscape. If policy makers, students, parents, and the general public come to perceive that big-time intercollegiate athletics are a sham, that the rules are slack and money is the prime mover, the danger is that all of athletics – and all of higher education – will suffer. Part of what boards need to develop is the

Recommendations

ability to think beyond the passion and emotional exaggeration that characterize an athletics fan. There is a need for board awareness, education, and engagement that allows a board to maintain a clear grasp of the issues.

While our focus and primary recommendations are to university and college governing boards, we have summary advice for presidents regarding working with their boards on athletics and offer the following recommendations to *presidents, system boards, and the NCAA*:

To Presidents

- *Impress on board members the need for the board's support in designating the chief executive as the officer who is responsible for athletics at the institution. A president who has the explicit public support of the board is much better positioned to deal straightforwardly with athletics in an institution – and to deal in particular with potentially damaging issues that may arise.*
- *Establish with the board the information it should receive to monitor institutional performance and that of the president. Ensure the timely consideration of policy matters with the board.*

To System Boards

- *Maintain sufficient oversight at the system level to ensure that the fiscal and programmatic integrity of athletics at each institution aligns with principles of responsible governance across the system as a whole. System boards can and should establish appropriate policies, set high expectations for good conduct, and request and review key data regarding the financing of athletics and the academic progress of athletes at each institution within the system. System boards should also carefully consider decisions*

regarding the divisions and conferences in which its institutions compete.

To the NCAA

- *Include in the NCAA rule book stronger, more detailed statements about the responsibility that governing boards have for intercollegiate athletics in their institutions.*
- *Take a stronger stance in addressing major violations and the root causes of infractions, and support institutions in making changes in a fundamental and sustained manner.*

Restoring the Balance

We are not naïve in issuing this renewed call for enhanced board engagement in intercollegiate athletics. We don't pretend that our recommendations are easy to implement. Beyond the ethos of colleges and universities themselves, there are cultures of popular and political support that have become deeply interwoven in the fabric of intercollegiate athletics in many settings. Any action to call the increasingly independent trajectory of athletics to account can expect to encounter strong resistance from many quarters where public support for athletics may overshadow support for the institution itself.

Yet the urgency to act remains. Ensuring that student-athletes are successful students is essential to deflect the suggestion that intercollegiate athletics be re-designated as professional ventures. The more that higher education institutions exhibit behaviors and motivations befitting

a for-profit enterprise rather than a mission-centered institution of higher education, the more pointed the questions become about the extent to which these institutions exist to serve the nation's educational purposes – and the more willing policy makers may become to consider seriously the possibility of revoking the tax-exempt status of higher education institutions or isolating the “unrelated business income” of their athletics programs.

Given the continued disproportionate growth of athletics relative to other purposes and programs, our concern is that if boards do not act to ensure an appropriate balance between athletics and academics in our higher education institutions, policy makers or others will do it for us.



**Governing Board Certification Form
Academic Year 2012-13¹**

As Chair of the Governing Board of the [University/College/System], I attest that:

1. The board has had its annual education session on rules of the NCAA and [insert conference] and its obligations under them.
2. Responsibility for the administration of the athletics program has been delegated to the chief executive officer of the institution.
3. The chief executive officer has the mandate and support of the board to operate a program of integrity in full compliance with NCAA, [insert conference], and all other relevant rules, regulations, and laws.
4. The chief executive officer, in consultation with the faculty athletics representative and the director of athletics, determines how the institutional vote shall be cast on issues of athletic policy presented to the NCAA and the [insert conference]

Date Presented to the Governing Board: _____

Signed: _____
Chair of the Governing Board

Signed: _____
CEO of Member Institution

Please submit the completed form before October 31, 2012 to: [insert commissioner and mailing address of the intercollegiate athletics conference]

1. Adapted by AGB from the Atlantic Coast Conference, Governing Board Certification Form, 2011-12.



AGB ASSOCIATION OF
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Appendix B

Board of Regents Policy: *Intercollegiate Athletics – Twin Cities Campus*

 UNIVERSITY OF MINNESOTA BOARD OF REGENTS POLICY	Academic INTERCOLLEGIATE ATHLETICS – TWIN CITIES CAMPUS Adopted: June 12, 1992 Amended: January 12, 1996; March 11, 2005; July 8, 2009
<p>Page 1 of 3</p> INTERCOLLEGIATE ATHLETICS - TWIN CITIES CAMPUS <u>SECTION I. SCOPE.</u> This policy applies to the Department of Intercollegiate Athletics (Intercollegiate Athletics) on the Twin Cities campus of the University of Minnesota (University). <u>SECTION II. GUIDING PRINCIPLES.</u> The University shall administer Intercollegiate Athletics in a manner consistent with the following guiding principles: (a) Intercollegiate Athletics shall have a mission that aligns with the mission of the University, emphasizing the pursuit of academic and athletic excellence while honoring the highest commitment to integrity. (b) Intercollegiate Athletics shall serve the well being of student-athletes by promoting academic and athletic accomplishment, supporting and encouraging their graduation, and supporting their development as individuals in an educational setting. (c) Student-athletes shall be held to the same academic and social standards, shall receive the same fair and equitable treatment, and shall be afforded the same opportunities to enjoy a well-balanced experience as all students at the University. (d) Student-athletes shall meet all appropriate academic standards for admission to the University and for continued progress toward a degree. (e) Participation in intercollegiate athletics is a privilege, not a right, and student-athletes are expected to adhere to National Collegiate Athletic Association (NCAA), conference, University, department, and team rules. (f) The University's intercollegiate athletics programs shall conform to institutional rules and those of the NCAA, Big Ten Conference, Western Collegiate Hockey Association, and other appropriate governing bodies. (g) The University shall provide equal opportunity in intercollegiate athletics and promote equitable treatment of all sports in a manner consistent with all Board of Regents (Board) and University policies and all applicable Title IX requirements. (h) The University shall honestly and responsibly recruit student-athletes who can benefit from a University education and who can contribute to the University as members of its academic and athletic programs. (i) The University shall promote a culture that integrates Intercollegiate Athletics into the broader campus community. (j) The University welcomes the support of, and involvement by, alumni, booster	



UNIVERSITY OF MINNESOTA

BOARD OF REGENTS POLICY

Page 2 of 3

Academic

INTERCOLLEGIATE ATHLETICS – TWIN CITIES CAMPUS

Adopted: June 12, 1992

Amended: January 12, 1996; March 11, 2005;
July 8, 2009

groups, and others who help serve the outreach mission of Intercollegiate Athletics, provided their activities conform with all applicable law, NCAA and conference rules, and University policy and with oversight by appropriate University personnel.

- (k) Intercollegiate Athletics shall work cooperatively with all departments of the University to promote the best interests of the athletic programs, the University, and the University community.
- (l) Intercollegiate Athletics shall administer its budgetary, financial, and managerial affairs with transparency and shall comply with the uniform business and audit standards of the University.
- (m) Intercollegiate Athletics shall serve as a window to the University with the purpose of fostering institutional pride and goodwill for the state through academic and athletic accomplishment, while providing opportunities to unite the University's faculty, staff, students, and alumni, and citizens of the State of Minnesota.

SECTION III. IMPLEMENTATION.

Subd. 1. Competition Level. Intercollegiate Athletics shall participate at the NCAA Division I level of competition.

Subd. 2. Compliance. In all areas of Intercollegiate Athletics, the University shall comply with the letter and spirit of all institutional policies and procedures, conference and NCAA rules and regulations, and civil laws.

Subd. 3. Academic Counseling and Compliance Administration. To avoid conflicts of interest, academic counseling and athletics compliance shall work cooperatively with Intercollegiate Athletics, but shall be independent of and have a separate reporting relationship from Intercollegiate Athletics.

Subd. 4. Reporting. The president or delegate shall submit a report annually to the Board on matters related to student-athlete academic progress, athletic accomplishment, department budget, and facilities.

SECTION IV. DELEGATION OF AUTHORITY.

The president shall be responsible for the oversight of Intercollegiate Athletics. The president or delegate shall administer all day-to-day operational aspects of Intercollegiate Athletics, to effect appropriate institutional control, with active participation, consultation, and oversight by the faculty athletics representatives and faculty governance on matters involving student-athlete welfare, academic performance and integrity, and athletic policy and compliance.



**UNIVERSITY OF MINNESOTA
BOARD OF REGENTS POLICY**

Page 3 of 3

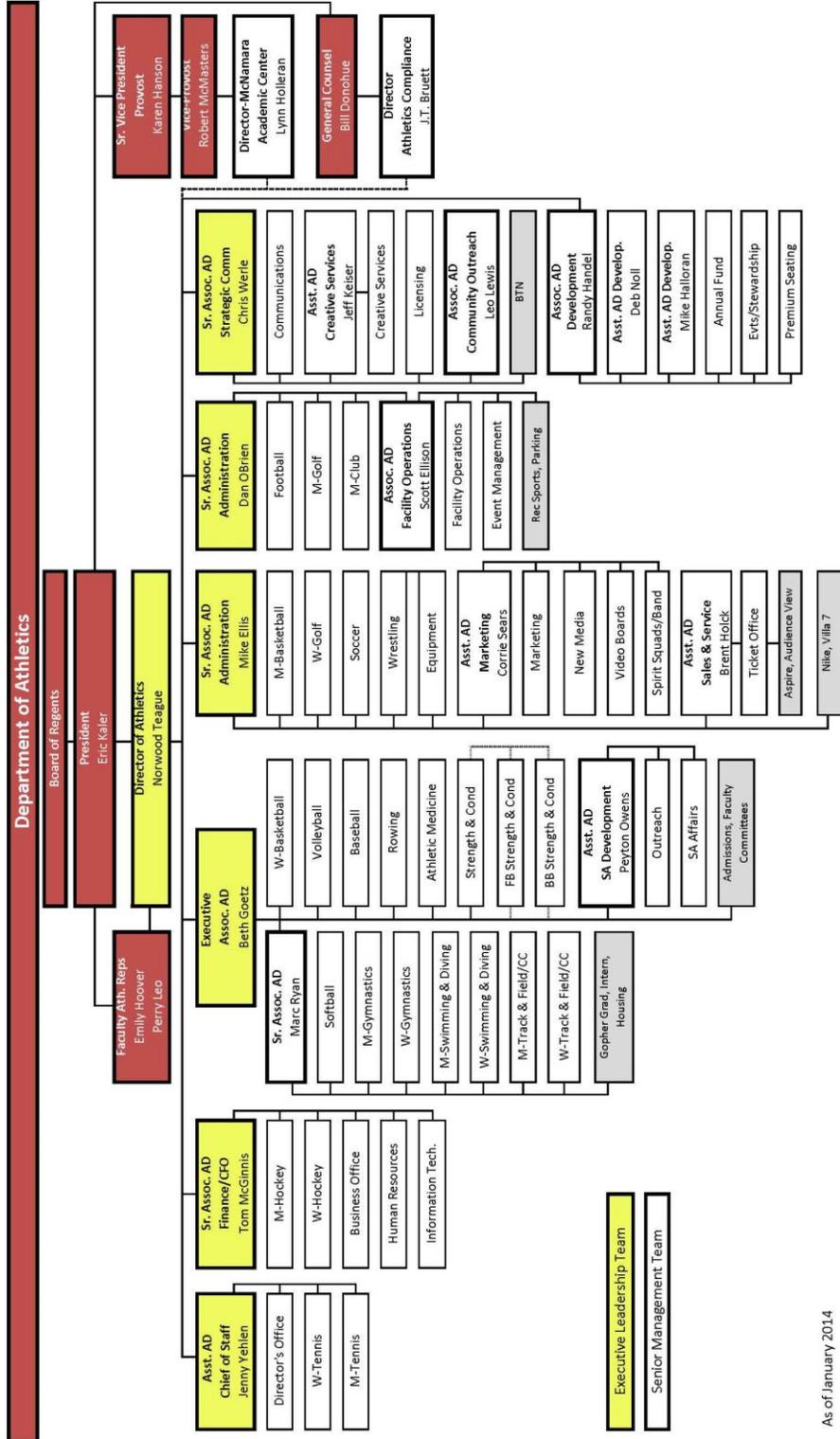
Academic

**INTERCOLLEGIATE ATHLETICS –
TWIN CITIES CAMPUS**

Adopted: June 12, 1992

Amended: January 12, 1996; March 11, 2005;
July 8, 2009

Appendix C Organizational Chart



As of January 2014

Appendix D

University Senate Charge to the Advisory Committee On Athletics

University Senate Bylaws, Article II. Section 5

A. ADVISORY COMMITTEE ON ATHLETICS

The Advisory Committee on Athletics provides consultation and advice to the President, the senior administrator responsible for athletics, and the Department of Intercollegiate Athletics on policies and other major decisions. All policies formulated by the Advisory Committee on Athletics will be reported to the Twin Cities members of the Senate Consultative Committee for action and to the Twin Cities Delegation for information after the Twin Cities members of the Senate Consultative Committee have acted. The Twin Cities Delegation has the authority to reverse or modify a decision by the Twin Cities members of the Senate Consultative Committee.

Membership

The Advisory Committee on Athletics shall consist of the following voting members:

- (1) a Chair, who must be a tenured Twin Cities faculty member, who holds no administrative appointment higher than department chair or head, appointed by the President after consultation with the Faculty Committee on Committees, for a term of one year;
- (2) five (5) Twin Cities members of the faculty or academic staff (at least three of whom shall be members of the tenured faculty), appointed by the President after consultation with the faculty members of the Faculty Committee on Committees, for terms of three (3) years;
- (3) the Faculty Representatives to the NCAA;
- (4) the chair of the Faculty Academic Oversight Committee on Intercollegiate Athletics, or a member designated by that committee;
- (5) four (4) Twin Cities students, two of whom will be appointed by the President after consultation with the Student Committee on Committees, for terms of one year, and two of whom will be selected by the representatives of students in the intercollegiate athletic program for terms of one year;
- (6) two graduates of the University, appointed by the President after appropriate consultation for terms of three (3) years;
- (7) one University Twin Cities civil service employee, appointed by the Civil Service Committee for a term of three (3) years.

The appointments are subject to approval by the Twin Cities Delegation. No one, other than the faculty representatives, may serve more than six (6) consecutive years on this committee.

The Director of Athletics, the Director of Academic Counseling and the Director of Compliance shall serve as non-voting ex officio members.

Duties

The Advisory Committee on Athletics will advise and consult with the President, the responsible senior administrators, and the Director of Athletics on policies and major decisions relating to intercollegiate athletics at the University. Regents policy delegates immediate administration of the athletics departments to the President, the central administration, and the Director of Athletics; this committee has no direct role in the day-to-day management of the department. These by-laws delegate responsibility for academic and compliance issues to the Faculty Oversight Committee; this committee has no involvement in those issues.

The committee has the following responsibilities:

- (A) The committee will advise the Director of Athletics regarding policies and major decisions relating to their programs and operations, except for matters within the authority of the Faculty Academic Oversight Committee on Intercollegiate Athletics.
- (B) When requested by the Faculty Academic Oversight Committee on Intercollegiate Athletics, the committee will assist that committee in carrying out its responsibilities.
- (C) The committee will advise and consult on issues of equity and student welfare.
- (D) The committee will advise and consult regarding the finances of the athletics departments.
- (E) The committee will advise and consult regarding the physical facilities and services and their use.
- (F) The committee will advise and consult on personnel matters of the athletics department.
- (G) The committee (or its representative) will participate in searches for the Director of Athletics and for major coaching appointments and for Directors of Academic Counseling and Compliance and will participate in any periodic comprehensive performance reviews of those positions.
- (H) The committee will advise the President and the faculty representatives regarding the positions that should be taken on behalf of the University in the NCAA and in other external bodies.
- (I) The committee will advise and consult regarding the activities of booster clubs and other support organizations.
- (J) The committee will perform such other functions as the Twin Cities Delegation may assign.

The committee reports to the Twin Cities members of the Faculty Consultative Committee at least once each semester, this report may be in writing or presented in person by the Chair and a suitable delegation.

At least once a year, the voting members of the Committee will meet privately with the President to give their candid evaluation of the management of the departments. The

voting members of the committee may also request a private meeting with the President and/or with the Twin Cities members of the Faculty Consultative Committee to discuss any matters of concern to them. The ex officio members shall not attend such meetings, unless requested to do so by vote of the committee.

(updated: 10/9/12)

Appendix E

University Senate Policies and Statements on Student Athlete Welfare

Competition and Anti-Discrimination Policy:

<http://www1.umn.edu/usenate/athletics/anti-discrimination.pdf>

Locker Room Computer Access Policy:

http://www1.umn.edu/usenate/athletics/locker_room_computer.pdf

Policy on Contact and Obtaining Information About a Student-Athlete's Academic Progress for Faculty, Instructors, Staff and Coaches:

http://www1.umn.edu/usenate/athletics/contact_guidelines.pdf

Policy on Eligibility:

<http://www1.umn.edu/usenate/athletics/eligibility.pdf>

Policy on Review of Grade Changes for Student Athletes:

http://www1.umn.edu/usenate/athletics/grade_change.pdf

Policy on Scheduling:

<http://www1.umn.edu/usenate/athletics/scheduling.pdf>

Procedures for Reporting NCAA or Big Ten Violations:

http://www1.umn.edu/usenate/athletics/reporting_violations.pdf

ACA Statement on Integrating Academics and Athletics:

http://www1.umn.edu/usenate/athletics/academics_and_athletics.pdf

Guidelines and Timeline for Submitting Competition and Travel Schedules:

http://www1.umn.edu/usenate/athletics/submitting_schedules.pdf

Statement for Review of the Student-Athlete Conduct Guidelines and Student Appeal Process:

http://www1.umn.edu/usenate/athletics/conduct_guidelines.pdf

Appendix F

University Senate Charge to the Faculty Academic Oversight Committee for Intercollegiate Athletics

Faculty Senate Bylaws, Article IV., Section 5

E. FACULTY ACADEMIC OVERSIGHT COMMITTEE FOR INTERCOLLEGIATE ATHLETICS

The Faculty Academic Oversight Committee for Intercollegiate Athletics has responsibility for eligibility, compliance, and other issues relating to academic integrity of participants in the programs. This committee will work closely with the Provost, who as head of academic affairs is the senior administrative officer in charge of academic counseling programs for athletes. All policies formulated by the Faculty Academic Oversight Committee on Intercollegiate Athletics will be reported to the Faculty Consultative Committee for action and to the Faculty Senate for information after the Faculty Consultative Committee has acted. The Faculty Senate has the authority to reverse or modify a decision by the Faculty Consultative Committee.

Membership

The voting membership of this committee consists of six (6) members of the tenured faculty, plus the two (2) Faculty Representatives and the Chair of the Advisory Committee on Athletics. Since the purpose of this committee is to ensure that students who choose to participate in athletics have a full opportunity to pursue and complete their University studies, the primary qualification for appointment to this committee is a commitment to teaching students, rather than a special interest in athletics.

After consultation with the President, all members shall be nominated by the Faculty Committee on Committees with the approval of the Twin Cities Faculty Delegation.

The Faculty Committee on Committees designates the chair of the committee.

The Director of Academic Counseling, the Director of Academic Support Resources, and the Director of Compliance are ex officio members, without vote. The committee will hold at least one meeting each semester without the presence of the ex officio members.

The committee will consult regularly with the Director of Athletics and will meet at least once each semester to discuss programs and policies for ensuring academic performance and compliance with all standards. It will meet at least once each semester with the Director of Athletics to review the academic performance of the teams, the support given to academic performance by the department, coaches and teams, and to make recommendations in this regard.

The committee will meet regularly with the Provost or a representative of the Provost's office.

Duties and Responsibilities

- (A) In cooperation with the office of the Provost, the committee will oversee certification of the eligibility of students who participate in varsity athletics programs, in accordance with the standards of the NCAA and other external organizations.
- (B) The committee will establish University academic standards for participation in varsity athletics, including minimum grade point average and progress toward degree. These standards must meet and may exceed the standards established by the NCAA and other external organizations and are in addition to the academic standards established by the college in which each student is enrolled. The committee will see that students are informed of these standards, are warned if they are not making reasonable progress, and are declared ineligible if they fail to meet them.
- (C) With the assistance of the office of the Provost, the committee will conduct regular reviews of the grade average and progress of each student. It will also regularly evaluate the performance of each team in achieving the academic goals of student participants, and will advise the Director of Athletics concerning the performance of coaches in support of these goals. It will also advise the senior administrator responsible for athletics, the Provost, the President, and the Twin Cities members of the Faculty Consultative Committee regarding the support for academic achievement shown by each of the teams and department.
- (D) The committee may establish scheduling standards limiting the days in any term that a student may be absent to participate in athletic events. It will review every schedule for conformity to these standards. In unusual cases, the committee may grant exceptions to that rule. All violations of these rules and all exceptions granted to them shall be reported immediately to the senior administrator responsible for athletics, the Provost, the President, and the Twin Cities members of the Faculty Consultative Committee.
- (E) The committee will advise the Director of Academic Counseling regarding matters within the authority of that office.
- (F) The committee will receive a report from the Director of Compliance at least once each semester regarding significant compliance concerns coming to the attention of that office. It will also refer any compliance matters that come to its attention to the Director of Compliance. It will report any concerns about compliance issues to the Director of Athletics, the senior administrator supervising compliance, the President, and the Twin Cities members of the Faculty Consultative Committee. It will advise the Director of Compliance regarding matters within the authority of that office.
- (G) The committee (or a representative) will participate in searches for the Director of Athletics, Director of Academic Counseling and Director of Compliance, and in searches for major coaching positions, and in any periodic comprehensive performance review of these positions, paying particular attention to the qualifications of candidates in the fields of academic performance and compliance.

- (H) The committee will advise and consult with the athletics department to ensure that those participating in or employed by the athletics programs observe required standards of compliance and academic integrity, and will make such reports and recommendations as may be necessary.
- (I) The committee will advise the President and the faculty representatives regarding positions the University should take on proposed NCAA or other external rules relating to academic performance, eligibility, or compliance.
- (J) The committee will perform such other functions as the Twin Cities Faculty Delegation may assign.

In evaluating individual or team records, the committee may act as a whole or by subcommittee.

Because the committee primarily considers matters that are private or personal data under the laws governing data privacy, its meetings are closed unless it otherwise directs.

The committee reports to the Twin Cities members of the Faculty Consultative Committee at least once each semester; this report may be in writing or in person by the Chair and an appropriate delegation.

At least once a year, the voting members of the committee will meet privately with the President to give their candid evaluation of the performance of the department and teams in achieving academic performance and rules compliance. The voting members of the committee may also at any time request a private meeting with the President and/or with the Twin Cities members of the Faculty Consultative Committee to discuss any matters of concern to them. The ex officio members shall not attend such meetings, unless requested to do so by vote of the committee.

The Senate Office will provide staff assistance for the committee. The Provost will, in consultation with the committee, provide adequate staff assistance drawn from the office of the Registrar, the advising offices of colleges, and other administrative offices and assist in the preparation, presentation and evaluation of student records. The athletics department and academic counseling and compliance offices will provide information requested by the committee.

No appointed member of the committee may accept any tickets, team travel, or other benefit or favor from the athletics department except as specifically authorized by the President and the Twin Cities members of the Faculty Consultative Committee.

The committee deals with eligibility and compliance issues established by the University and by the NCAA and external organizations. It does not review the decisions of coaches imposing sanctions on athletes for violating team rules.

1. FACULTY ATHLETICS REPRESENTATIVES

The Faculty Athletics Representatives will serve as the University's delegates to NCAA, Big 10, WCHA and other external organizations. The representatives also will perform certain functions prescribed in the rules of those organizations, in these by-laws, and as delegated by the President or the Twin Cities Faculty Delegation. The authority of the representatives does not displace any of the authority granted to the two committees above. The Faculty Athletic Representatives are appointed by the President in consultation with the Twin Cities members of the Faculty Consultative Committee. Before making an appointment the President will give an opportunity for interested faculty members to apply. The President will also solicit nominations from the Faculty Academic Oversight Committee and the Advisory Committee on Athletics.

A faculty athletics representative must be a member of the regular faculty who holds permanent tenure, and may not hold an administrative office higher than that of a department head or chair. The faculty athletics representatives will serve at the pleasure of the President for a three (3) year term. Normally, individuals will not serve more than six (6) consecutive years in this office, but the President may, with approval of the Twin Cities members of the Faculty Consultative Committee, reappoint an individual as faculty athletics representative for additional terms of up to three years. So long as the University has two faculty athletics representatives from the Twin Cities campus, every effort should be made to ensure that their terms are staggered.

The President, in consultation with the Twin Cities members of the Faculty Consultative Committee, after receiving the view of the Faculty Academic Oversight Committee and the Advisory Committee on Athletics, will determine the position the University will take regarding proposed changes in NCAA and other external rules. The faculty representatives will faithfully represent this position.

The Faculty Academic Oversight Committee has primary responsibility for all eligibility and compliance issues. If the rules of any external organization require a faculty representative to make a decision or recommendation on any matter relating to eligibility or compliance, the representative will first refer the matter to the Faculty Academic Oversight Committee and will faithfully carry out its recommendation.

The faculty athletics representatives will report to the Twin Cities Faculty Delegation annually in writing. They report to the Twin Cities members of the Faculty Consultative Committee orally and in writing at least once each semester.

2. COORDINATION OF OVERSIGHT

The Chairs of the Faculty Academic Oversight Committee and the Advisory Committee on Athletics and the faculty representative(s) will meet periodically with the President, the Provost, the senior administrator responsible for athletics, and the Chair of the Faculty Consultative Committee to coordinate their activities.

(updated: 10/9/12)

Appendix G Report of the FAOCIA Chair to the FCC

Minutes* Senate Consultative Committee

Thursday, November 21, 2013

3:00 – 4:00

Room 238A Morrill Hall

Present: Will Durfee (chair), Avner Ben-Ner, James Cloyd, Katherine Cramer, Eva von Dassow, Jigna Desai, Janet Ericksen, Russell Luepker, Alon McCormick, Andrew McNally, Karen Mesce, Cynthia Murdoch, Paul Ranelli, Rebecca Ropers-Huilman, David Satin,

Absent: Rylee Ahnen, Rachelle Alcini, Prahith Chakka, Frank Farleo, Karl Freese, Bill O'Neill, Alex Stangel, Chris Uggen, Jean Wyman

Guests: Professor Paul Siliciano (chair, Advisory Committee on Athletics); Professors Doug Ernie and David Kirkpatrick, Sarah Waldemar (Committee on Committees)

[In these minutes: (1) annual report from the Advisory Committee on Athletics; (2) Committee on Committees review; (3) update on strategic planning]

1. Annual Report from the Advisory Committee on Athletics (ACA)

Professor Durfee convened the meeting at 3:00 and welcomed Professor Siliciano to provide the annual report from the Advisory Committee on Athletics (ACA).

Professor Siliciano began by reviewing the charge to ACA and observing that it deals with all matters related to intercollegiate athletics except academics, and the list includes policies and major decisions relating to athletic programs and operations, equity and student welfare, finances, physical facilities, personnel matters, positions that should be taken on behalf of the University in the NCAA and in other external bodies, and the activities of booster clubs and other support organizations. The Faculty Academic Oversight Committee for Intercollegiate Athletics (FAOCIA, on which he sits as an ex officio.

Professor Cloyd asked why there are two committees. That is an historical arrangement, Professor Siliciano said, a response to a scandal in the men's basketball program a number of years ago. The University developed a rigorous structure of which it can be proud, and while it is a lot of work for FAOCIA to look at transcripts, curriculum, etc., it is a very robust oversight committee that consists only of tenured faculty members. ACA, on the other hand, includes P&A, civil service, alumni, and student.

Does the structure work, Professor Cloyd inquired? It is very effective, Professor Siliciano said. They have talked about relaxing a few of the rules, such as the one that

prohibits contact between coaches and faculty members, which could be modified to allow some communication between the two if a student is having trouble in a class; right now there are people who go between the coach and faculty member, such as one of the Faculty Athletic Representatives or a member of the McNamara Academic Center.

Professor Siliciano touched briefly on the job of the Faculty Athletics Representative, which is prescribed by the National Collegiate Athletic Association (NCAA) and the Big Ten Conference. Most institutions have one; Minnesota has two, and they have enormous jobs because they serve on both athletic committees, have many duties in athletics, and responsibilities with the Big Ten and NCAA. It is almost too much even for two people.

Professor Siliciano reiterated the point that the University has a robust structure; the University had already implemented the vast majority of the recommendations in the lengthy report at Penn State about institutional control. At the University, the compliance office reports to the General Counsel and the academic center for student-athletes reports to the provost, so neither office is beholden to intercollegiate athletics. Those arrangements are key to the University's structure, and were changes it made after the scandal.

In general, the situation seems to be good, Professor Siliciano said; graduation rates are high and grades are up.

Professor Durfee asked why things are good. Is it random? Have there been changes that caused increased GPAs? Professor Siliciano said that recruiting has been a help: students are coming with a good chance of academic success, the McNamara Center provides help, and coaches recognize that academic success is important and he believes they want the students to graduate.

Part of the charge to ACA is find ways to enhance communication between the athletic and academic communities at the University to help build a sense of community, Professor Siliciano related, something that is easier to do in a small town.

Professor Ropers-Huilman asked about the graduation rate increases by gender. Professor Siliciano said that the 6-year graduation rate is 74%, versus 70% for students as a whole, but that is a matter that FAOCIA considers, not ACA.

Professor Durfee asked what in general were the issues that ACA discussed in the last year. Professor Siliciano said that one big concern was the effect on student-athletes of changes at higher levels, such as the rate of expansion of the Big Ten Conference. It took place so quickly that the committees were not provided time to provide advice, although he said he was not sure that the result would have been any different because the decisions involved enormous national questions about money and athletics. ACA wrote to President Kaler about what factors it believes should be considered if the situation arises again (such as the requirement that students leave early, and miss class

time, when the competition is farther away). There are potential pressures as well because of the changes in conference structures; the Big Ten Network could want Wednesday evening events, which ACA believes could be deleterious.

Who gets to decide, Professor Durfee asked? Professor Siliciano said he did not know; the question is whether one can raise hands high enough to get attention. The other big question, related to the first, is the battle "for the soul of the NCAA," which involves the smaller Division I schools versus the bigger ones and the increasing difficulty in keeping them together. There was a proposal for a new division, composed of the five wealthiest conferences, behind which was the threat that those conferences would leave the NCAA; if that happened, it would have a significant effect on the University.

Professor Ranelli asked if ACA is involved in athletic facilities issues. It is, Professor Siliciano said, and said the \$93-million plan to improve athletic facilities is within ACA's purview. One frustration is that the plan was never fully explained in the media (e.g., with current basketball practice facilities, the men and the women must trade practice times, which restricts the courses student-athletes can take when their team has the worse time—and basketball crosses both semesters). A new practice facility would allow both teams to practice at the times best for their student-athletes.

Professor Durfee said that ACA and the Senate Committee on Finance and Planning need to understand and interact with each other about facilities in athletics and on the rest of the campus. Professor Luepker said that Athletic Director Norwood Teague talked with the Committee on Finance and Planning and told it that all the money for the athletic facilities would be raised privately. Is that happening? It will be, Professor Siliciano said, and observed that fund-raising is one of Mr. Teague's strengths; he said he did not know the details but that the athletic department has hired a consultant to assist in the fund-raising

Professor Satin said that Professor Siliciano had identified several issues of time for student-athletes; who is in a position to deal with those? And what about the possibility of moving some courses so student-athletes can more easily take them? Professor Siliciano commented that scheduling can be rather random but it might be possible to move some courses to allow easier access for student-athletes, and said it is something that could be looked into.

Professor Durfee thanked Professor Siliciano for his report.

Appendix H

University Senate Criteria for Faculty Athletics Representatives

Selection and Responsibilities of the Faculty Athletics Representatives

The Faculty Athletics Representatives will serve as the University delegates to NCAA, Big Ten, WCHA and other external organizations. The representatives also will perform certain functions prescribed in the rules of those organizations, in these by-laws, and as delegated by the President or the Twin Cities Faculty Delegation.

A faculty athletics representative must be a member of the regular faculty who hold permanent tenure, and may not hold an administrative office higher than that of a department head or chair. The faculty athletics representative will serve at the pleasure of the President for a three (3) year term. Normally, individuals will not serve more than six (6) consecutive years in this office, but the President may, with approval of the Twin Cities members of the Faculty Consultative Committee, reappoint an individual as faculty representatives for additional terms of up to three years. So long as University has two faculty athletics representatives from the Twin Cities campus, every effort should be made to ensure that their terms are staggered.

Duties and Responsibilities

1. NCAA

- Evaluate legislation and serve as delegate to convention
- Maintain NCAA rules – local institutional control
- Represent the faculty of the institution
- Serve as the individual to contact the NCAA regarding policies
- Serve on NCAA committees and participate in governance
- Serve on certification steering committee
- Review and sign off on initial eligibility determinations of student-athletes, waivers, and appeals
- Know, understand and comply with all rules, policies, and regulations of the NCAA, as well as other applicable athletics compliance rules and policies

2. Conferences

- Attend Big Ten and WCHA meetings
- Participate on or chair committees such as the Eligibility, Compliance and Reinstatement, Drug Testing, Program and Budget committees
- Chair Joint Group of FARs, ADs, and Senior Women Administrators (SWA) of Big Ten or WCHA league (this is done on a rotation cycle with other members of the Conferences)
- Participate in legislation review and development of policies and procedures

3. Campus Constituencies

- Advise/consult the President and Chief of Staff on athletic issues which affect the institution
- Brief the President and Chief of Staff on issues pertaining to Conference meetings and meetings of the Board of Directors of the NCAA
- Serve as a voting member of the Advisory Committee on Athletics (ACA) and the Faculty Academic Oversight Committee on Athletics (FAOCIA)
- Report regularly to the Faculty Senate through the Faculty Consultative Committee (FCC)
- Assure academic integrity and student-athlete welfare
- Present to Undergraduate Deans
- Participate in discussions with Senate representatives regarding COIA
- Serve on the planning committee for fostering relationships between faculty and coaches
- Serve on ad hoc task forces as needed
- Meet regularly with athletics director and other senior administrators in the athletics department
- Monitor student-athlete academic performance, distribution of student-athletes in majors, etc.
- Participate in eligibility summits with Admissions, Athletics, Compliance, McNamara Academic Center, and the Registrar's Office
- Participate in and monitor activities of the McNamara Academic Center
- Monitor the student-athlete experience: Attend meetings with coaches, athletics department staff, Student-athlete Advisory Committee, ACA Personnel Subcommittee and Student Welfare
- Work closely with Compliance Office in submitting waivers, petitions, violations, and broaching investigations of issues
- Approve CELs and review missed class time
- Serve on search committees for coaches, AD, and other athletic department staff
- Attend athletics events, scholarship dinners, academic award dinners, AD's advisory committee meetings.

4. Selection of the Faculty Representative

The Faculty Representatives are appointed by the President in consultation with the Twin Cities members of the Faculty Consultative Committee. Before making an appointment the President will provide an opportunity for interested faculty members to apply. The President will also solicit nominations and applications from the Faculty Academic Oversight Committee and the Advisory Committee on Athletics.

Reviewed Spring 2012

Appendix I

Big Ten Standards for Safeguarding Institutional Governance of Intercollegiate Athletics

THE BIG TEN CONFERENCE

STANDARDS FOR SAFEGUARDING INSTITUTIONAL GOVERNANCE OF INTERCOLLEGIATE ATHLETICS

Introduction

The Big Ten Conference's history demonstrates that high-level athletic programs can be successfully maintained at top research universities and advance the mission of such universities. Incorporating athletic competition within the broader framework of higher education also presents challenges, however, particularly given the visibility of intercollegiate athletics and the passion it engenders. Good governance of athletics within the structure of each Big Ten Conference Member Institution is essential to manage these challenges. The public's trust in a Member Institution and the value of its intercollegiate athletics program are eroded when the Institution fails to implement sound governance principles applicable to its athletics programs, principles that are reflective of those applied to its academic programs and consistent with the values of higher education.

While not alone in this regard, Big Ten Member Institutions have experienced lapses in achieving sound governance of their athletic programs. All Member Institutions are affected when any Member Institution fails to maintain proper control over its intercollegiate athletics programs. Recognizing this, the Big Ten Council of Presidents/Chancellors (COPC) directed the Conference "to initiate an immediate review of the fundamental issues and systems affecting intercollegiate athletics, including the serious issues relating to control of athletics."

Institutions that affiliate in an athletics conference should have common values and common objectives. The Conference's attention to maintaining institutional integrity and earning public trust predates the activities of the NCAA, which did not begin in earnest until the 1960's. Members of the Big Ten Conference have traditionally come together to deal with important matters of common concern. For example, in 1972, the Conference formed an Advisory Commission on the Integration of African-American Athletes to advance their opportunities for participation in intercollegiate athletics at Member Institutions. In 1992, the Conference was a national leader in adopting measures and making concerted efforts to advance gender equity of student-athletes at the Member Institutions. The Conference has had a long history of establishing academic standards governing eligibility of student-athletes, and the Conference office and the Member Institutions have regularly interacted in a constructive manner to improve practices at Member Institutions, especially those involving academic and compliance matters. Conference attention to the integrity of the governance of athletic programs is clearly consistent with this tradition.

The Risks Associated with Failure to Implement Good Governance Policies

To be successful in their objectives, Member Institutions depend in large measure on public trust and confidence. The failure effectively to govern any part or program of the Institution, including athletics, undermines public trust and confidence in the Institution. Because of the high level of public interest in Big Ten sports, the risks of departures from good governance procedures in athletics are significant, and the impact of such departures on public trust and confidence may prove to be severe.

The loss of public trust in a Member Institution because of governance problems affecting its athletics programs has many negative consequences:

- the reputations of the individual Member Institution and all other Member Institutions in the Conference are damaged;
- injury to reputation reduces support for athletics and other programs among the Member Institution's various constituencies (faculty, staff, students, alumni, donors, fans, legislators, and the general public);
- lack of public confidence invites outside intervention in the Member Institution's affairs;
- student-athletes may lose opportunities for lessons in teamwork, effort, fair play, and the pursuit of excellence because of program-related sanctions;
- the Member Institution may suffer financial losses and additional costs when it is difficult for the Institution to absorb them.

The visibility, competitiveness, and passion associated with intercollegiate athletics combine to create a high-risk, high-reward environment which places great pressures on good governance procedures. At Member Institutions, athletics departments are expected to produce revenue streams through successful sports programs that will be sufficient to fund broad-based athletic programs without additional institutional support. Fans and boosters have high expectations and higher hopes, coaches and administrators seek the job security winning programs provide, the extraordinary popularity of athletics grows every year, and the financial consequences of success and failure are very high, both individually and institutionally. Fans or boosters, in pursuit of personal agendas or through a misplaced desire to "help" their favorite programs, are drawn to interact with coaches and student-athletes in ways that may circumvent ordinary procedures or violate the rules governing athletics. Some participants, by their celebrity status, obtain concentrated power far beyond that held by other employees or students. Successful coaches, major donors, and other persons of influence can seek to circumvent normal lines of authority and to exercise undue and improper influence over the actual responsible or accountable decision-makers. All of these problems are exacerbated if authority over athletic decision-making is unclear or is not formalized in official institutional policies.

For all of these reasons, the COPC proposes to address collectively the issues of integrity in intercollegiate athletics by encouraging the adoption by Member Institutions of clearer governance standards and to engage the Conference office to assist Member Institutions in implementing these standards.

Basic Principles

The Big Ten Conference Standards for Safeguarding Institutional Governance of Intercollegiate Athletics (Conference Standards) conform to the following basic principles:

1. Conference policies for governance of athletics should reflect a common commitment to integrity and good governance practice while recognizing the autonomy of the Member Institutions in fashioning their own organizational structures and allocating authority, responsibility, and accountability to their own officials.
2. Each Member Institution should have a set of governance standards that clearly define the authority over, and responsibility and accountability for, the governance of its athletic programs. Each Member Institution should be expected to comply fully with its own standards.
3. Intercollegiate athletics is an integral part of each Member Institution. Accordingly, athletic governance should be consistent with, and not independent from, the governance applicable to other university units and programs. For example, each Member Institution in the Big Ten provides that the President or Chancellor of the Institution is the chief executive officer and is responsible and accountable for the general administration of the Institution, subject to the general oversight of a Governing Board or a Systems Administration or both. Absent specific policies to the contrary, the President or Chancellor should, therefore, be the responsible and accountable officer for decisions made with respect to athletics.

Organizational Governance Standards

Each Member Institution shall have written standards relating to the allocation of authority, responsibility, and accountability for intercollegiate athletics at its Institution. These standards shall prescribe the governance structure for athletics at the Member Institution. It is anticipated that, at a minimum, the standards shall:

1. a. Provide, expressly or by general description, that the President or Chancellor, subject to the general oversight of the Governing Board or Systems Administration or both, and working within the constructs of the principles of shared governance held by each Member Institution, has ultimate authority, responsibility, and accountability for the administration of intercollegiate athletics, and
- b. State any exceptions to this authority, responsibility, or accountability.

2. a. Provide, expressly or by general description, that the President or Chancellor has delegated authority, responsibility, and accountability for the administration of the Athletics Department to the Athletics Director, and
 - b. State any exceptions to that delegation.
3. State the role and responsibility of any other institutional officer, board, or committee with responsibility for issues relating to intercollegiate athletics, including those officers, boards, or committees who or which play an advisory role to the Athletics Director or to the President or Chancellor relating to intercollegiate athletics.
4. Establish procedures to implement the expectation that those with authority and responsibility to govern the athletic programs of the Member Institution do so without improper influence from others within or outside the Institution.

Operational Standards for Athletics

The integrity of the governance of a Member Institution's intercollegiate athletics program is threatened when improper influence is brought to bear on Member Institution officials to make a decision that is not in the best interest of the Institution or, in more egregious cases, that violates the Institution's, the Conference's, or the NCAA's rules. Certainly, the line between providing advice or appropriate advocacy on the one hand and undue or improper influence on the other is not a bright one, but, at one time or another, that line has been crossed at various Member Institutions. Operational standards that address the exercise of improper influence on important decision-making affecting athletic programs at each Member Institution should reduce the risk that such situations will recur.

Each Member Institution shall, therefore, have written standards with respect to the operation of its Athletics Department and units within the Institution that interact with its Athletics Department. The purpose of these operational standards shall, at a minimum, be to:

1. Assure that the unit that provides academic support services for student-athletes operates without undue influence by Athletics Department staff, including coaching staff. Each Institution's operational standards shall, therefore, be designed to:
 - a. Prevent coaches from: (i) having direct responsibility for, or exercising undue or improper influence over, the hiring or supervision of any member of the academic support staff, and (ii) attempting to influence inappropriately any member of the academic support staff or any faculty member in order to obtain or maintain the academic eligibility of a student-athlete.
 - b. Detect and prevent (i) academic fraud and misconduct, and (ii) abusive use of independent study or clustering of student-athletes in particular courses or majors.
 - c. Provide student-athletes with academic support and counseling that is adequate and appropriate for their progress toward a degree and graduation.

- d. Route communications between Athletics Department staff and faculty regarding student-athletes' performance in classes through the Director of Academic Support Services or his/her designee(s) or through the FAR.

In addition, good practice suggests that the Director of Academic Support Services should report to an academic administrator outside the Athletics Department, such as the Provost or FAR, either exclusively or as a dual report to that administrator and the Athletics Director.

- 2. Assure that the units that enforce compliance with the rules and regulations of the Member Institution, Conference, and NCAA have sufficient independence from athletics staff to meet their responsibilities. Each Institution's operational standards shall, therefore, be designed to:
 - a. Prevent coaches from (i) having direct responsibility for, or exercising undue or improper influence over, the hiring or supervision of any member of the athletics compliance staff, and (ii) attempting to influence inappropriately any member of the athletics compliance staff.
 - b. Detect and prevent breaches of the Institution's, the Conference's, and the NCAA's rules.
 - c. Provide adequate and appropriate athletics compliance staffing for the Institution.

In addition, good practice suggests that, for oversight purposes, the Director of Compliance should report to an administrator outside the Athletics Department, such as the Campus Compliance/Integrity Officer, General Counsel, or FAR, either exclusively or as a dual report to that administrator and the Athletics Director.

- 3. Assure that the admission process for student-athletes is essentially the same as that for other applicants with special talents. Each Institution's operational standards shall, therefore, be designed to:
 - a. Place final decision-making authority for the admission of student-athletes in the same office that admits other undergraduate applicants to the Member Institution.
 - b. Route all communications regarding prospective student-athletes between Athletics Department staff and the admissions office through the Athletics Director or his/her designee(s).

In addition, good practice suggests that the Director of Admissions should notify the President or Chancellor or his/her designee(s) of any inappropriate communication relating to the admission of a prospective student-athlete received from any booster or official of the Member Institution or from any staff member in the Athletics Department.

4. Assure that student-athletes are subject to general disciplinary rules and codes of conduct applicable to other students at the Member Institution. Each Institution's operational standards shall, therefore, be designed to:
 - a. Apply such rules and codes, including the same procedures and sanctions, as well as any Athletics Department policies applicable specifically to student-athletes and any team rules, to student-athletes.
 - b. Route communications regarding student-athletes between Athletics Department staff and student disciplinary staff through the Athletics Director or his/her designee(s).

In addition, good practice suggests that the Dean of Students or his/her designee should notify the President or Chancellor or his/her designee(s) of any inappropriate communication on behalf of a student-athlete in connection with a disciplinary decision, especially if that communication is from a booster or official of the Member Institution or from any staff member in the Athletics Department.

5. Assure that the medical and athletic training staff who provide medical services to student-athletes are able to exercise their best professional judgment in caring for student-athletes. Each Institution's operational standards shall, therefore, be designed to:
 - a. Prevent coaches from (i) having direct responsibility for, or exercising undue or improper influence over, the hiring or supervision of any member of the medical or athletic training staff who works with the coach's own team, and (ii) attempting to influence inappropriately any member of the medical or athletic training staff regarding the medical treatment of a student-athlete.
 - b. Place priority on the student-athlete's health over other considerations.

In addition, good practice suggests that the Director of Sports Medicine Services should report to an academic or medical administrator outside the Athletics Department, either exclusively or as a dual report to the administrator and the Athletics Director.

Enforcement of the Policies

The Member Institutions recognize that the integrity of the governance of intercollegiate athletics is important for the Conference as well as for intercollegiate athletics generally and that failures of one Member Institution affect the reputation of all Member Institutions. Accordingly, the Member Institutions agree to the following relating to enforcement of these Conference Standards:

1. **Annual Review - Members.** Each Member Institution will conduct an annual internal review of the effectiveness of the standards it has implemented in fulfillment of these Conference Standards.

2. Reports to/by Conference.

- a. After conducting its internal review, each Member Institution will report annually to the Conference on how it is achieving compliance with these Conference Standards and taking action to avoid governance-related problems in athletics. It will attach to that report copies of the standards it has implemented in fulfillment of these Conference Standards. Each Member Institution will also submit copies of any revisions to its standards to the Conference within thirty (30) days after their adoption.
- b. After reviewing the reports from the Member Institutions, the Conference will prepare a summary in which it will draw on the reports to provide information to the Member Institutions that will assist them in complying with these Conference Standards. The Conference will submit the summary to the COPC for review and discussion at a COPC meeting. The Conference summary may include recommendations for changes in the Conference Standards for consideration by the COPC.

3. Compliance.

- a. Each Member Institution will comply with the standards it has implemented in fulfillment of these Conference Standards.
- b. If the Conference receives a report or allegation that a Member Institution is not in compliance with these Conference Standards, (i) it shall so advise the Member Institution and require that it file a detailed response to the report or allegation, including means to achieve compliance if the Member Institution determines that the report or allegation is, in one or more respects, accurate; and (ii) it may conduct its own investigation of the report or allegation. The Member Institution will cooperate with the Conference's investigation.
- c. Each Member Institution will report to the Conference any violation of the standards it has implemented in fulfillment of these Conference Standards.

4. Enforcement.

- a. Informal Actions. The purpose of these Conference Standards is to enhance the integrity of the governance of intercollegiate athletics among the Member Institutions. In the event a Member Institution does not achieve complete compliance with these Conference Standards, the initial response should be that the Conference and the Member Institution engage in constructive conversations whose goal is greater compliance with these Conference Standards by the Member Institution.

- b. Formal Actions. In cases where a Member Institution persistently fails to comply with these Conference Standards, the Commissioner may recommend corrective action to the COPC. The COPC may request information from the Member Institution, which the Member Institution will provide, and the Commissioner, may, if so instructed by the COPC, conduct a more formal hearing on the matter. The COPC may adopt the Commissioner's recommendation or any other corrective action designed to enhance the Member Institution's compliance with these Conference Standards. Such corrective action may include:
 - i. Financial penalties, including a reduction of Conference distributions.
 - ii. Probation, under terms that reasonably relate to correcting the failure to comply.
 - iii. Suspension from participation in a particular sport, or from membership in general, for a stated period of time.
 - iv. Expulsion from membership.

The Big Ten Conference is a voluntary association of Member Institutions. The Conference Bylaws provide that suspension of membership, expulsion from the Conference, or placement on probation each requires a vote of at least 70% of the Membership. It is extraordinarily unlikely that a Member Institution would be expelled unless the failure to comply with these standards was so persistent and serious that it indicated the Member Institution no longer subscribes to the common values and objectives of the Conference and the other Member Institutions.

5. Effective Date

These Conference Standards were approved by the COPC on _____, effective for the Conference and all Member Institutions on _____. Between the approval date and the effective date, the Conference will assist each Member Institution in preparing to comply fully with the Conference Standards as of the effective date.



UNIVERSITY OF MINNESOTA

BOARD OF REGENTS POLICY

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Academic

INTERCOLLEGIATE ATHLETICS – TWIN CITIES CAMPUS

Adopted: June 12, 1992

Amended: January 12, 1996; March 11, 2005;

July 8, 2009

INTERCOLLEGIATE ATHLETICS - TWIN CITIES CAMPUS

SECTION I. SCOPE.

This policy applies to the Department of Intercollegiate Athletics (Intercollegiate Athletics) on the Twin Cities campus of the University of Minnesota (University).

SECTION II. GUIDING PRINCIPLES.

The University shall administer Intercollegiate Athletics in a manner consistent with the following guiding principles:

- (a) Intercollegiate Athletics shall have a mission that aligns with the mission of the University, emphasizing the pursuit of academic and athletic excellence while honoring the highest commitment to integrity.
- (b) Intercollegiate Athletics shall serve the well being of student-athletes by promoting academic and athletic accomplishment, supporting and encouraging their graduation, and supporting their development as individuals in an educational setting.
- (c) Student-athletes shall be held to the same academic and social standards, shall receive the same fair and equitable treatment, and shall be afforded the same opportunities to enjoy a well-balanced experience as all students at the University.
- (d) Student-athletes shall meet all appropriate academic standards for admission to the University and for continued progress toward a degree.
- (e) Participation in intercollegiate athletics is a privilege, not a right, and student-athletes are expected to adhere to National Collegiate Athletic Association (NCAA), conference, University, department, and team rules.
- (f) The University's intercollegiate athletics programs shall conform to institutional rules and those of the NCAA, Big Ten Conference, Western Collegiate Hockey Association, and other appropriate governing bodies.
- (g) The University shall provide equal opportunity in intercollegiate athletics and promote equitable treatment of all sports in a manner consistent with all Board of Regents (Board) and University policies and all applicable Title IX requirements.
- (h) The University shall honestly and responsibly recruit student-athletes who can benefit from a University education and who can contribute to the University as members of its academic and athletic programs.
- (i) The University shall promote a culture that integrates Intercollegiate Athletics into the broader campus community.
- (j) The University welcomes the support of, and involvement by, alumni, booster groups, and others who help serve the outreach mission of Intercollegiate Athletics, provided their activities conform with all applicable law, NCAA and



UNIVERSITY OF MINNESOTA

BOARD OF REGENTS POLICY

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Academic

INTERCOLLEGIATE ATHLETICS –
TWIN CITIES CAMPUS

Adopted: June 12, 1992

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July 8, 2009

conference rules, and University policy and with oversight by appropriate University personnel.

- (k) Intercollegiate Athletics shall work cooperatively with all departments of the University to promote the best interests of the athletic programs, the University, and the University community.
- (l) Intercollegiate Athletics shall administer its budgetary, financial, and managerial affairs with transparency and shall comply with the uniform business and audit standards of the University.
- (m) Intercollegiate Athletics shall serve as a window to the University with the purpose of fostering institutional pride and goodwill for the state through academic and athletic accomplishment, while providing opportunities to unite the University's faculty, staff, students, and alumni, and citizens of the State of Minnesota.

SECTION III. IMPLEMENTATION.

Subd. 1. Competition Level. Intercollegiate Athletics shall participate at the NCAA Division I level of competition.

Subd. 2. Compliance. In all areas of Intercollegiate Athletics, the University shall comply with the letter and spirit of all institutional policies and procedures, conference and NCAA rules and regulations, and civil laws.

Subd. 3. Academic Counseling and Compliance Administration. To avoid conflicts of interest, academic counseling and athletics compliance shall work cooperatively with Intercollegiate Athletics, but shall be independent of and have a separate reporting relationship from Intercollegiate Athletics.

Subd. 4. Reporting. The president or delegate shall submit a report annually to the Board on matters related to student-athlete academic progress, athletic accomplishment, department budget, and facilities.

SECTION IV. DELEGATION OF AUTHORITY.

The president shall be responsible for the oversight of Intercollegiate Athletics. The president or delegate shall administer all day-to-day operational aspects of Intercollegiate Athletics, to effect appropriate institutional control, with active participation, consultation, and oversight by the faculty athletics representatives and faculty governance on matters involving student-athlete welfare, academic performance and integrity, and athletic policy and compliance.

Board Oversight of Intercollegiate Athletics

Brian R. Steeves

*Executive Director & Corporate Secretary
University of Minnesota Board of Regents*



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2014 White Paper Recommendations

1. Biennial review of athletics revenues and expenses in FIN
2. Annual review of student-athlete academic progress in ASA
3. Expand annual report to full Board to include discussion of conference and NCAA changes and governance issues
4. Engage full Board in discussions on rotating list of topics (FARs, compliance, Title IX, etc.)



Board Oversight Framework

- A. Guiding principles, reporting requirements, and delegations established by Board policy;
- B. Regular Board and committee discussion items;
- C. Board approval of six year capital plans, annual operating and capital improvement budgets, and other required approvals; and
- D. Ongoing audit coverage by the Office of Internal Audit and external auditor.



A. Board Policy



UNIVERSITY OF MINNESOTA
BOARD OF REGENTS POLICY

Page 1 of 2

Academic

**INTERCOLLEGIATE ATHLETICS –
TWIN CITIES CAMPUS**

Adopted: June 12, 1992

Amended: January 12, 1996; March 11, 2005;
July 8, 2009

INTERCOLLEGIATE ATHLETICS - TWIN CITIES CAMPUS

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UNIVERSITY OF MINNESOTA

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B. Discussion Items



BOARD OF REGENTS DOCKET ITEM SUMI

Board of Regents

Agenda Item: Shared Governance: The Role of Faculty At

Review Review + Action

This is a report required by Board policy.

Presenters: Emily Hoover, Professor, Horticultural Science
Natural Resource Sciences
Perry Leo, Professor, Aerospace Engineering & Engineering

Purpose & Key Points

The University has two faculty athletic representatives (FARs) representation of Gopher Athletics, and as a member of the N tenured faculty members who serve as the University's deleg to the Big Ten and Western Collegiate Hockey Association (W positions, appointed and funded by the Office of the Presiden to provide the Board with a first-hand account of FAR respon understanding of the dynamics of this governance role.

FAR responsibilities include oversight of all aspects of Gopher emphasis on student-athlete welfare; spending time with stu communication between student-athletes and faculty; and m stakeholders who govern Gopher Athletics. They work in con his staff, faculty senate committees, Gopher athletics adminis Center, and the Office of Athletic Compliance.

Background Information

The University has historically had two FARs; many other sch year terms. The qualities required of FARs include:

- Ability to represent the values of the University.
- Interest in and commitment to understanding the cul
- Excellent communication skills – keeping everyone in of faculty to coaches, students, governance groups, an bridge between athletics and academics; and facilitati athletes and the faculty.
- Demonstrated leadership abilities – at the campus lev NCAA.



BOARD OF REGENTS DOCKET ITEM SUMI

Academic & Student Affairs

Agenda Item: Academic Support and Performance of UM

Review Review + Action

This is a report required by Board policy.

Presenters: Karen Hanson, Senior Vice President for Acade
Robert B. McMaster, Vice Provost and Dean of
Lynn K. Holleran, Director, McNamara Academ

Purpose & Key Points

This discussion will focus on the mission, structure, services; McNamara Academic Center for Student-Athletes (MAC) on t

Background Information

- December 12, 2013, Intercollegiate Athletics Risk Pro Teague)



BOARD OF REGENTS DOCKET ITEM SUMI

Board of Regents

Agenda Item: Title IX Primer – Twin Cities Intercollegiat

Review Review + Action

This is a report required by Board policy.

Presenters: Norwood Teague, Director of Intercollegiate A
Tracy M. Smith, Deputy General Counsel
Kimberly D. Hewitt, Director of Equal Opporto
Beth Goetz, Deputy Athletics Director

Purpose & Key Points

The purpose of this item is to educate the Board about Title I Minnesota Twin Cities intercollegiate athletics program.

This winter the U.S. Department of Education's Office of Civil investigation, which is ongoing. The presentation will provid understand the University's approach to Title IX and how var compliance.

Title IX is a portion of the United States Education Amendme person in the United States shall, on the basis of sex, be exclu the benefits of, or be subjected to discrimination under any e federal financial assistance." Title IX applies to institutions th including approximately 7,000 postsecondary institutions su applies to the entire University, the presentation will focus o program.

Background Information

The OCR is responsible for the enforcement of Title IX. The r became effective on July 21, 1975. On December 11, 1979, th Athletics Policy Interpretation. The policy interpretation focu determining whether an educational institution's athletics pr areas and their categories are:



BOARD OF REGENTS DOCKET ITEM SUMMARY

Finance

February 11, 2016

AGENDA ITEM: Twin Cities Athletics Finances

Review Review + Action Action Discussion

This is a report required by Board policy.

PRESENTERS: Richard Pfutzenreuter, Vice President & CFO
Tom McGinnis, Senior Associate Athletics Director & CFO

PURPOSE & KEY POINTS

The purpose of this item is to provide a comprehensive review and discussion of how the Department of Intercollegiate Athletics on the Twin Cities campus is financed, and how the resources and expenses are distributed across the department.

The presentation will focus on the department's major categories of revenues and expenditures. The discussion will include an outline of other major revenue; expenditures and allocations that do not directly flow though the department's annual operating budget; and a history of University direct allocations to the department.

In the docket, Table 1 provides an overview of FY 2016 budgeted revenues by major category. Table 2 provides an overview of FY 2016 budgeted expenditures by major category.

BACKGROUND INFORMATION

At its October 2012 meeting, the Board received a report published by the Association of Governing Boards of Colleges and Universities (AGB) entitled *Trust, Accountability, and Integrity: Board Responsibilities for Intercollegiate Athletics*. The report reflected survey data collected from NCAA Division I member institutions. Regent Linda Cohen, who was chair of the Board at the time, and President Kaler submitted data on behalf of the University.

In December 2012, at the direction of Chair Cohen, the Office of the Board of Regents (OBR) began a review of the University's survey results and worked with the administration to identify gaps in the oversight policies, practices, or protocols. Over the next 14 months, OBR, the Office of the President, and the Office of the General Counsel worked to develop a comprehensive report addressing the oversight of Intercollegiate Athletics on the Twin Cities campus. This report was provided to the Board in February 2014.



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C. Required Approvals

- Annual Operating Budget
- Six-Year Capital Plan
- Annual Capital Improvement Budget
- Appointment of UMTC Athletics Director

- University Progress Card

(New component of the University Plan, Performance, and Accountability Report; includes target for student-athlete graduation success rate.)



D. Audit Coverage



Office of Internal Audit Report
Athletics Administration
December 2015



OFFICE OF
INTERNAL AUDIT
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Discussion Questions

- Does current Board policy adequately reflect the Board's values and expectations for athletics and provide for sufficient oversight?
- Is the frequency and scope of Board and committee discussion items adequate for the Board to exercise its governance responsibilities?
- Do the Board's fundamental planning documents provide sufficient information about athletics?
- Is the current level of athletics-focused audit coverage adequate?





BOARD OF REGENTS DOCKET ITEM SUMMARY

Governance & Policy

May 12, 2016

AGENDA ITEM: Specification of Board Appointment Authority

Review **Review + Action** **Action** **Discussion**

This is a report required by Board policy.

PRESENTERS: Brian R. Steeves, Executive Director & Corporate Secretary
 Jason Langworthy, Board Associate, Policy & Committees

PURPOSE & KEY POINTS

The purpose of this item is to consider a Resolution Related to Specification of Appointment Authority. The resolution specifies that under Board of Regents Policy: *Reservation and Delegation of Authority*, Section IV, Subd. 1 (k), the President shall recommend to the Board for approval:

- a) any initial appointment where the employee’s annual salary will exceed \$250,000; or
- b) any employment agreement, or amendment thereto, that has a total cost to the University of \$600,000 or more.

BACKGROUND INFORMATION

The Resolution Related to Specification of Appointment Authority was discussed by the Board of Regents on March 31, 2016 and referred to the Governance & Policy Committee for further consideration.

Evolution of Board Appointment Authority

Board of Regents Policy: *Reservation and Delegation of Authority*, Section IV, specifies those positions that require Board approval. The Board’s reserved appointment authority has evolved over time, as outlined below.

Before 1990

All personnel matters were brought to the Board for approval with the exception of “personnel actions for nontenured academic staff and civil service staff in classifications where the minimum salary rate is less than \$13,608.” The Board delegated approval of those staff positions to the president on September 14, 1973.

Adoption of Board of Regents Policy: Delegation of Authority: Academic Personnel Matters – September 14, 1990

The policy delegated to the administration the appointment of all positions, with the exception of “All vice presidents, general counsel, chancellors, all deans, and athletic directors.”

When the proposed policy was before the Faculty, Staff & Student Affairs Committee for review, a Regent expressed concern regarding the absence of Board review and approval of head coach appointments. The minutes note the administration’s agreement that “such provision should have been included in the proposed Delegation of Authority.” The version subsequently adopted by the Board did not include language related to Board approval of head coach appointments.

Adoption of Board of Regents Policy: Board Operations and Agenda Guidelines – September 11, 1992

The new policy created a monthly report to the Faculty, Staff, & Student Affairs Committee from the senior vice president for academic affairs, to include “...personnel items requiring committee action” and “initial appointments, special appointments, or leaves.”

The policy amended Board appointment authority in two ways. First, Board approval of athletic director appointments was limited to Division I. Second, the list of positions requiring Board approval was expanded to include: “Division I head coaches in Men’s Football, Basketball, Hockey (Twin Cities), Hockey (Duluth); and Women’s Volleyball, Basketball, Gymnastics, Softball (Twin Cities).”

The adopted policy also included a provision to amend Board of Regents Policy: *Delegation of Authority: Academic Personnel Matters* to align with the new language.

Adoption of amendments to Board of Regents Policy: Board Operations and Agenda Guidelines – July 14, 1995

Proposed amendments sought to remove head coach appointments from the list of positions requiring Board approval. Concerns raised by some Regents about this change resulted in language being added that gave the Board the ability to review other appointments at its discretion. Language was also adopted setting an expectation that the president would bring significant matters to the Board for approval. With this new language, Board approval of head coach appointments was removed from policy.

The adopted amendments read as follows:

- Section IV, Committee Guidelines, Faculty, Staff & Student Affairs Committee:
 - “The Board of Regents, at its discretion, may review initial appointments, special appointments, and leaves in other employment classifications.”
- Section II, C, 6:
 - “Additionally, the President is expected to bring to the Board's attention significant matters that have University-wide implications, even though they are not required by the guidelines. These include, but are not limited to, matters that have potential significant public impact, that raise serious policy issues, or that create substantial financial impact on the University.”

The adopted policy also included a provision to amend Board of Regents Policy: *Delegation of Authority: Academic Personnel Matters* to align with the new language.

Adoption of Board of Regents Policy: Reservation and Delegation of Authority – April 5, 2001

The adoption of Board of Regents Policy: *Reservation and Delegation of Authority* refined appointment authority further, while seeking to preserve the Board’s ability to approve other positions at its discretion:

- Article I, Section IV, Subd. 1, (11) [now j]:
 - “Such other administrative positions as the Board may specify from time to time.”
- Article II, Section II, 4 [now d]:
 - “[T]he directive that the president shall notify the Board of Regents of any matter not otherwise addressed in this section that significantly involves the authority and role of the Board, including its fiduciary, oversight, and public accountability responsibilities.”

Adoption of amendments to Board of Regents Policy: Reservation and Delegation of Authority – February 12, 2010

The amendment reserved to the Board authority to approve specified commercial transactions or matters not otherwise subject to Board approval:

- Article I, Section I, Subd. 5:
 - “The Board reserves to itself authority to approve any commercial transaction or matter not otherwise subject to Board approval if the transaction or matter:
 - (a) raises unusual questions of public interest or public policy;
 - (b) has a significant impact on the University's mission; or
 - (c) has a value greater than \$2 million.”



REGENTS OF THE UNIVERSITY OF MINNESOTA

RESOLUTION RELATED TO

Specification of Appointment Authority

WHEREAS, Board of Regents Policy: *Reservation and Delegation of Authority*, Section I, Subd. 5 states, “The Board reserves to itself authority to approve any commercial transaction or matter not otherwise subject to Board approval if the transaction or matter:

- a) raises unusual questions of public interest or public policy;
- b) has a significant impact on the University's mission; or
- c) has a value greater than \$2 million”; and

WHEREAS, Board of Regents Policy: *Reservation and Delegation of Authority* Section IV, Subd. 1 states, “The Board reserves to itself authority to appoint all individuals and approve any individually negotiated terms of employment...” for “...Such other administrative positions as the Board may specify from time to time”; and

WHEREAS, these policy provisions suggest Board intent to approve appointments of high profile and/or highly compensated employees; and

WHEREAS, it is important for the Board to clearly articulate how these policy provisions should be interpreted and implemented; and

WHEREAS, the Board has a fiduciary obligation to provide oversight for significant financial decisions as well as those that raise unusual questions of public interest or public policy;

NOW, THEREFORE, BE IT RESOLVED, that under Board of Regents Policy: *Reservation and Delegation of Authority*, Section IV, Subd. 1(j) the Board of Regents specifies that the President shall recommend to the Board for approval a) any initial appointment where the employee’s annual salary

will exceed \$250,000; or b) any employment agreement, or amendment thereto, that has a total cost to the University of \$600,000 or more.



UNIVERSITY OF MINNESOTA
BOARD OF REGENTS POLICY

Page 1 of 7

Delegation of Authority

**RESERVATION AND DELEGATION
OF AUTHORITY**

Adopted: April 5, 2001

Amended: July 9, 2004; December 10, 2004; July 9,
2008; February 12, 2010; February 10, 2012; March
1, 2012

Technical Change: December 11, 2013;
March 31, 2016

Supersedes: (see end of policy)

RESERVATION AND DELEGATION OF AUTHORITY

ARTICLE I

RESERVATION OF AUTHORITY

SECTION I. GENERAL RESERVATIONS OF AUTHORITY.

Subd. 1. The Board of Regents reserves to itself all authority necessary to carry out its legal and fiduciary responsibilities under the University Charter, the Constitution of the State of Minnesota, and the Board of Regents (Board) Bylaws. This reservation specifically includes all authority to enact laws and policies for the governance of the University of Minnesota (University) and to issue Board directives to executive officers and employees. The Board's reserved authority shall be exercised consistent with the University Charter, the Constitution of the State of Minnesota, Board Bylaws, and relevant Board policies.

Subd. 2. The Board reserves to itself authority to ensure constitutional and institutional autonomy, to approve the University's mission and vision, to set the overall direction of the institution, including the adoption of fundamental plans for the educational, financial, and physical development of the University, and to declare a fiscal emergency.

Subd. 3. No authority that the Board reserves to itself in this policy shall be exercised by any other person or body unless expressly authorized by Board policy or directive.

Subd. 4. The Board reserves to itself authority to approve the use, and revocation of the use, of its corporate name or any abbreviated name, including *University of Minnesota*, by any non-University person or entity, consistent with Board policies. The Board also reserves authority over the removal of the corporate name or any abbreviated name from the name of any University campus, college, school, division, or unit, consistent with Board policies.

Subd. 5. The Board reserves to itself authority to approve any commercial transaction or matter not otherwise subject to Board approval if the transaction or matter:

- a) raises unusual questions of public interest or public policy;
- b) has a significant impact on the University's mission; or
- c) has a value greater than \$2 million.



UNIVERSITY OF MINNESOTA
BOARD OF REGENTS POLICY

Page 2 of 7

Delegation of Authority

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Adopted: April 5, 2001

Amended: July 9, 2004; December 10, 2004; July 9, 2008; February 12, 2010; February 10, 2012; March 1, 2012

Technical Change: December 11, 2013;
March 31, 2016

Supersedes: (see end of policy)

SECTION II. CONDUCT OF BOARD BUSINESS.

The Board reserves to itself authority to establish procedures for the conduct of its business, create committees, set its agenda, require reports from executive officers and employees, hear appeals, and enforce its code of ethics.

SECTION III. ELECTION OF BOARD OFFICERS.

The Board reserves to itself authority to elect and remove Board officers, including the president, chair, vice chair, secretary, and treasurer.

SECTION IV. APPOINTMENT AUTHORITY.

Subd. 1. The Board reserves to itself authority to appoint all individuals and approve any individually negotiated terms of employment for those who serve in each of the following positions:

- (a) Executive Vice President and Provost
- (b) Chancellor
- (c) Senior Vice President for Finance and Operations
- (d) Vice President
- (e) Provost
- (f) General Counsel
- (g) Librarian
- (h) Director of Audits
- (i) Dean
- (j) Athletic Director, Twin Cities campus
- (k) Such other administrative positions as the Board may specify from time to time.

The president shall recommend individuals for appointment to these positions, consistent with Board policies and directives.

Subd. 2. The Board reserves to itself authority to remove University officers as provided in the University Charter. The president (a) may remove the general counsel with Board approval and (b) may remove any other individual appointed under subd. 1 of this section, except the director of audits.

Subd. 3. The Board reserves to itself authority to appoint members of the boards of University-associated foundations, institutes, committees, and other bodies, consistent with Board policies.



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BOARD OF REGENTS POLICY

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Delegation of Authority

**RESERVATION AND DELEGATION
OF AUTHORITY**

Adopted: April 5, 2001

Amended: July 9, 2004; December 10, 2004; July 9, 2008; February 12, 2010; February 10, 2012; March 1, 2012

Technical Change: December 11, 2013; March 31, 2016

Supersedes: (see end of policy)

SECTION V. ACADEMIC MATTERS.

Subd. 1. The Board reserves to itself authority to grant academic degrees, grant faculty indefinite tenure, grant continuous appointments to academic professionals, and award the title faculty emeritus, consistent with Board policies.

Subd. 2. The Board reserves to itself authority to establish, name, and abolish colleges, academic institutes, programs, and courses of study, consistent with Board policies.

Subd. 3. The Board reserves to itself authority to establish tuition and student fees and approve policies and reciprocity agreements related to such matters, consistent with Board policies.

Subd. 4. The Board reserves to itself authority to: (a) establish and review policies relating to the conduct of research and the receipt and accounting of sponsored research funds; (b) require timely reporting to the Board of sponsored research activity; and (c) approve financial support greater than \$250,000 to non-University entities for the commercialization of technology, consistent with Board policies.

Subd. 5. The Board reserves to itself authority to approve educational policies and procedures, in consultation with the president and the faculty governance process, consistent with Board policies. This policy is not intended to alter the relationship between the Board, the University Senate, and the faculties regarding educational policies.

SECTION VI. AWARDS, HONORS, AND NAMINGS.

Subd. 1. The Board reserves to itself authority to establish and bestow awards, honors, and recognition, consistent with Board policies.

Subd. 2. The Board reserves to itself authority to name and revoke names of University buildings and other assets, consistent with Board policies.

SECTION VII. BUDGETARY, FINANCIAL, AND INVESTMENT MATTERS.

Subd. 1. The Board reserves to itself authority to approve the following: annual operating budgets; the central reserves budget and minimum reserve level; and adjustments and amendments, consistent with Board policies. The Board also reserves to itself authority to approve any modifications to the central reserves budget and any expenditures from the central reserves general contingency account, consistent with Board policies.

Subd. 2. The Board reserves to itself authority to approve all requests for operating and capital budget appropriations from the State of Minnesota and positive or negative adjustments to the budget caused by a 1% or more change in total appropriations within a fiscal year.



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Subd. 3. The Board reserves to itself authority to establish investment objectives, approve asset allocation guidelines, and approve the payout rate for endowment distributions.

Subd. 4. The Board reserves to itself authority to authorize issuance and retirement of debt and to engage debt advisers and/or underwriters, consistent with Board policies.

Subd. 5. The Board reserves to itself authority to accept gifts for the benefit of the University, consistent with Board policies.

Subd. 6. The Board reserves to itself authority to approve individual purchases of goods and services with a value greater than \$1,000,000, consistent with Board policies.

SECTION VIII. PROPERTY, FACILITIES, AND CAPITAL BUDGETS.

Subd. 1. The Board reserves to itself authority to approve the purchase or sale of real property with a value greater than \$1,250,000 or larger than ten (10) acres, consistent with Board policies.

Subd. 2. The Board reserves to itself authority to approve leases of real property, easements, and other interests in real property if the initial term amount to be paid by or to the University exceeds \$1,250,000, consistent with Board policies.

Subd. 3. The Board reserves to itself authority to exercise the power of eminent domain to acquire land for University purposes.

Subd. 4. The Board reserves to itself authority to (a) exercise property owner rights regarding the designation, decommissioning, or demolition of historic resources; and (b) take final action on all environmental reviews of historic resources initiated by the administration for which the University is the responsible governmental unit, consistent with Board policies and applicable state and federal laws.

Subd. 5. The Board reserves to itself authority to approve campus master plans and amendments thereto.

Subd. 6. The Board reserves to itself authority to approve multi-year capital plans consisting of projects with a value greater than \$1,000,000.

Subd. 7. The Board reserves to itself authority to approve annual capital budgets consisting of projects with a value greater than \$500,000.

Subd. 8. The Board reserves to itself authority to approve capital budget amendments to approved projects and new projects when the amendment has a value greater than \$500,000.



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Subd. 9. The Board reserves to itself authority to approve project schematic plans for (a) interior renovations with a value greater than \$5,000,000; (b) projects with a value greater than \$2,000,000 that have an exterior visual impact; (c) projects that vary from adopted campus master plans or that have a significant visual impact; and (d) projects noted during the annual review of the capital budget.

Subd. 10. The Board reserves to itself authority for a subsequent review of approved capital budget projects with a value greater than \$5,000,000 prior to the award of construction contracts.

SECTION IX. LEGAL MATTERS.

The Board reserves to itself, or to one of its committees, authority to direct the president or the general counsel to settle any legal claim or initiate or appeal a lawsuit or administrative proceeding, consistent with Board policies.

SECTION X. AUDIT FUNCTION.

The Board reserves to itself authority to adopt policies regulating the audit function; approve selection of external auditors and the director of audits; and evaluate the performance of the independent auditor, and, jointly with the president, the performance of the internal audit function.

SECTION XI. EMPLOYMENT AND LABOR RELATIONS.

Subd. 1. The Board reserves to itself authority to approve all contracts and other agreements with the exclusive collective bargaining representatives of its employees.

Subd. 2. The Board reserves to itself authority to approve civil service rules and annual pay and benefit plans for University employees.

Subd. 3. The Board reserves to itself authority to establish or discontinue retirement plans for University faculty and staff. For those plans sponsored by the University and governed by formal plan documents, the Board reserves to itself authority to approve amendments to those plans that significantly affect the cost structure of the plans. An amendment is considered to significantly affect the cost structure of the plan if the change causes a cost impact of more than \$250,000.

Subd. 4. The Board reserves to itself authority to review individually negotiated employee severance agreements of unusual importance or significance.

SECTION XII. ASSOCIATED ORGANIZATIONS.

The Board reserves to itself authority to approve the legal structure and scope of any relationship between the University and any associated organization, non-profit corporation, foundation, institute,



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or similar entity that substantially relies upon University resources or personnel to carry out its mission.

ARTICLE II

DELEGATION OF AUTHORITY

SECTION I. DELEGATION OF AUTHORITY TO THE PRESIDENT.

The Board delegates to the president authority to act as chief executive officer of the University, with such general executive management and administrative authority over the University as is reasonable and necessary to carry out the policies and directives of the Board, subject to the limitations noted in Article II, Section II below.

SECTION II. LIMITATIONS UPON PRESIDENTIAL AUTHORITY.

The authority delegated to the president is limited by the following:

- (a) the provisions of the University Charter and the Constitution of the State of Minnesota;
- (b) the provisions of Board Bylaws;
- (c) the provisions of Board policies and directives, including specifically Article I of this policy; and
- (d) the directive that the president shall notify the Board of any matter not otherwise addressed in this section that significantly involves the authority and role of the Board, including its fiduciary, oversight, and public accountability responsibilities.

SECTION III. DELEGATION OF AUTHORITY BY THE PRESIDENT.

Subd. 1. Unless otherwise restricted by specific Board policies or directives, the president shall be responsible for delegating general executive management and administrative authority to other executive officers and employees as necessary and prudent, including authority to execute contracts and other legal documents. The president may condition, limit, or revoke any presidential authority so delegated.

Subd. 2. All delegations and revocations under this section shall be in writing, name the position to whom such authority is delegated, describe the scope and limitations of such authority, and prescribe the extent to which such authority may be further sub-delegated.

Subd. 3. All delegations and revocations under this section shall be reviewed as to form, legality, and consistency by the general counsel.

Subd. 4. Annually, the president shall report to the Board significant changes to the delegations.



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Delegation of Authority

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March 31, 2016

Supersedes: (see end of policy)

SECTION IV. DELEGATION OF AUTHORITY TO THE CHAIR AND VICE CHAIR.

The chair and vice chair of the Board shall have such authority as is authorized by Board Bylaws and policies and is customarily exercised by such officers of a corporation. The chair shall have authority to execute any and all instruments and documents on behalf of the Board.

**SECTION V. DELEGATION OF AUTHORITY TO THE BOARD SECRETARY,
TREASURER, GENERAL COUNSEL, AND DIRECTOR OF AUDITS.**

The secretary, treasurer, general counsel, and director of audits shall have authority to perform such duties for the Board as provided by Board Bylaws, policies, and directives.

The secretary shall have authority to execute such instruments and documents that would customarily devolve upon a corporate officer and are usual to that office.

The secretary and the general counsel shall have authority to accept legal service on behalf of the University.

SECTION VI. CONFORMANCE WITH THIS POLICY.

Subd. 1. No executive officer or employee of the University shall have any authority to take any action or make any representation on behalf of the University beyond the scope of, or materially inconsistent with, the authority delegated to such executive officer or employee as provided in this policy.

Subd. 2. The secretary and the general counsel each shall have the duty to inform the Board of any existing or proposed Board policy or directive that is inconsistent with or alters the delegations of authority as provided in this policy.

SUPERSEDES: General Delegations Adopted October 17, 1980, Last Amended October 10, 1997.

Specification of Board Appointment Authority

Brian R. Steeves

*Executive Director & Corporate Secretary
University of Minnesota Board of Regents*

Jason Langworthy

*Board Associate, Policy & Committees
University of Minnesota Board of Regents*



UNIVERSITY OF MINNESOTA

Driven to DiscoverSM

Evolution of Appointment Authority

- Before 1990
- Adoption of Board of Regents Policy: *Delegation of Authority: Academic Personnel Matters* – September 14, 1990
- Adoption of Board of Regents Policy: *Board Operations and Agenda Guidelines* – September 11, 1992
- Adoption of amendments to Board of Regents Policy: *Board Operations and Agenda Guidelines* – July 14, 1995
- Adoption of Board of Regents Policy: *Reservation and Delegation of Authority* – April 5, 2001



Specification Resolution

- Resolution related to Specification of Appointment Authority introduced during new business in March 2016.
- Referred to the Governance & Policy Committee for discussion.
- Committee may act on resolution as presented, consider options, or decide no action is needed.



Option #1: Adopt Resolution

Adopt Resolution Related to Specification of Appointment Authority as presented or with different parameters (thresholds or positions).

- Specifies under Board of Regents Policy: *Reservation and Delegation of Authority*, Article 1, Section IV, Subd. 1(k) that the president shall bring for approval initial appointments:
 - where the annual salary exceeds \$250,000; and
 - any employment agreement or amendment that has a total cost of \$600,000 or more.



Option #2: Amend Policy

Amend Board of Regents Policy: *Reservation and Delegation of Authority* to include specific thresholds outlined in the resolution or other parameters (thresholds or positions) within Article I, Section IV, Subd. 1.



Option #3: Maryland Model

Adopt the Maryland model for review of certain contracts and employment agreements.

- Requires contracts/amendments for highly compensated employees (those with total compensation above the institution's president or system chancellor, excluding faculty), to be reported to the Board for information two days after the contract is executed.



Potential Thresholds

Total pay from FY 2015 payroll data

Position	Greater than \$500,000	\$350,000 - \$500,000	\$250,000 - \$350,000
President	1		
Chancellor			3
Vice President	1	1	4
Associate Vice President		1	2
Vice Provost			1
Dean	1	3	5
Associate/Asst. Dean		4	6
Faculty	1	24	110
Head Coach	2	2	2
Assistant Coach	2		7
Director		3	4
General Counsel			1
Total	8	38	145
Total Additional Positions*	5	34	132

*Are positions not already approved by the Board under Board of Regents Policy: *Reservation and Delegation of Authority*.



UNIVERSITY OF MINNESOTA

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Discussion Questions

- Is the current level of appointment authority adequate for Board oversight?
- What threshold is sufficient to ensure oversight of highly compensated employees?
- Should faculty members be included?
- What method of codification is preferred?





BOARD OF REGENTS DOCKET ITEM SUMMARY

Governance & Policy

May 12, 2016

AGENDA ITEM: Board Meeting Procedures

Review

Review + Action

Action

Discussion

This is a report required by Board policy.

PRESENTERS: Regent Dean Johnson, Board Chair
Regent David McMillan, Board Vice Chair

PURPOSE & KEY POINTS

The purpose of this item is for Board leadership to gather committee input on changes to the Board's meeting procedures.

Two changes are being considered:

1. Adopting the agenda at the beginning of each regular full Board meeting; and
2. New protocol for recording votes in minutes.

Adopting the Agenda

Board leadership seeks to maintain Board meetings that are orderly and expeditious, with Regents able to prepare for each item of business. The Board Chair has been delegated authority to set the Board's meeting agendas (Board of Regents Policy: *Board Operations and Agenda Guidelines*, Sec. III, Subd. 1). Given that, Board leadership proposes adopting the agenda at the beginning of each regular full Board meeting, using the following process:

- The order of business for full Board will be adjusted to include Adoption of the Agenda as the first item.
- During Adoption of the Agenda, the Board Chair will ask, "The agenda is before us as outlined in the docket. Is there a motion to approve the agenda?"
- Following a motion and a second, Regents will have an opportunity to introduce changes to the agenda as amendments to the motion. Any discrete item of business not already listed on the agenda as laid out in the docket must be introduced at this time, including items of old and new business.
- Each amendment to the agenda requires a motion and a second, and a majority vote of the members present, unless withdrawn.

- Each motion to add an item to the agenda, once seconded, may be superseded by a motion to refer the item to a Board committee. That superior motion requires a second, and a majority vote of the members present, to prevail. While Board policy is silent on whether an item referred to a committee must be taken up on a future agenda of that committee, Robert’s Rules of Order presumes that a committee will review an item referred to it and report back to the full body after the assignment is completed. The Board Chair may, under his/her delegated authority to set meeting agendas, refer any item to a Board committee.
- No Regent may move to remove the following items of business, which are called for in the Bylaws, Article IV, Section B:
 1. Approval of Minutes
 2. Report of the President of the Board
 3. Report of the Chair of the Board
 4. Receive and File Reports
 5. Reports of Committees
 - a) Standing Committees
 - b) Special Committees
 6. Old Business
 7. New Business
- Once all amendments to the agenda are acted upon, the Board will vote to adopt the agenda.
- Regents who attempt to modify the agenda once it has been adopted will be ruled out of order by the Chair.

New Protocol for Recording Votes

The minutes of the Board’s meetings are a fundamental part of the historical record of the Board. Board leadership seeks to establish a clear protocol for the Office of the Board of Regents to record votes in minutes.

The majority of the Board’s votes over the past many years have been unanimous voice votes. The current practice is to record votes as follows:

- *Unanimous votes:*
“The Board of Regents voted unanimously to approve the Resolution Related to ... “
- *Split votes:*
“The Board of Regents voted 11-1 to approve the Resolution Related to Regent [Name Here] voted no.”
- *Roll call votes:*
Chair [Name Here] called for a roll call vote on the amendment to the The vote was as follows:

[Alphabetical list of Regents and a Yay or Nay vote]

X votes were cast in favor of the motion and X votes were cast against the motion. The motion failed.

Board leadership proposes the following protocol for recording votes in minutes:

1. On a voice vote – Record only whether the vote prevails or fails. Do not record unanimity, split votes, or who voted how.
2. On a division (show of hands) – Record the number voting in favor and number voting against, without identifying who voted how.
3. On a roll call (names called) – Names and votes listed individually in minutes (current practice).

BACKGROUND

The Board's *Bylaws* and policy address agenda-setting, voting, and minutes as follows:

Bylaws of the Board of Regents

- Article III, Section C4 – “It shall be the duty of the Secretary to record all of the proceedings of the Board of Regents and all committees of the Board of Regents and to carefully preserve all of its books and papers.”
- Article VI, Section E – “The Chair of the Board, in consultation with the President and Vice Chair and consistent with the Board of Regents Policy: *Board Operations and Agenda Guidelines*, approves items of business and the agenda to be considered at meetings of the Board of Regents and the standing or special committees. Any Regent may suggest items for the agenda or move to have an item discussed at a meeting.”
- Article VI, Section D – “The decision of the majority voting on the question shall prevail. The Secretary shall record the vote of each Regent. A Regent may abstain from voting.”
- Article VI, Section G – “Minutes of the proceedings of the Board of Regents shall be kept by the Secretary, who shall cause them to be printed, bound, and preserved and who shall transmit copies to the members of the Board of Regents, University officers, administration, libraries, and to other places where it is deemed appropriate. All lengthy reports shall be referred to in the minutes and shall be kept on file as part of the University records, but such reports need not be incorporated in the minutes except when so ordered by the Board of Regents. The minutes shall reflect the votes cast in committee meetings on matters recommended to the Board of Regents for action.”

Board of Regents Policy: *Board Operations and Agenda Guidelines*

- Sec. II, Subd. 8 – “The duties and responsibilities the Executive Director and Corporate Secretary include maintaining official records of meetings of the Board and its committees.”
- Sec. III, Subd. 1 – “The agenda is set in the following manner: Approximately two months prior to each Board meeting, the executive director develops a draft agenda for discussion at Agenda I, a meeting with the president and senior leaders. Agenda items are identified from Board priorities, committee work plans, and other reports and items as specified in Board policy. Following this meeting, the draft agenda is shared with the Board chair and committee chairs for review and comment. The Board chair approves the agenda at a

subsequent meeting (Agenda II), also attended by the vice chair and participants in the Agenda I meeting. Subsequent changes to an approved Board or committee agenda require the approval of the Board chair and, in the case of a committee agenda, shall be done in consultation with the appropriate committee chair directly or through staff.”

Robert’s Rules of Order

- 11th ed., p. 360, ll. 13-23 – “After unfinished business and general orders have been disposed of, the chair asks, ‘Is there any new business?’ Members can then introduce new items of business, or can move to take from the table any matter that is on the table, in the order in which they are able to obtain the floor when no question is pending. So long as members are reasonably prompt in claiming the floor, the chair cannot prevent the making of legitimate motions or deprive members of the right to introduce legitimate business, by hurrying through the proceedings.”